

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**May 26, 2004**

Mayor David Dermer  
Vice-Mayor Saul Gross  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Call to Order - 9:00 a.m.  
Inspirational Message, Pledge of Allegiance  
Requests for Additions, Withdrawals, and Deferrals

Presentations and Awards

PA Presentations and Awards

Consent Agenda

C2 Competitive Bid Reports  
C4 Commission Committee Assignments  
C6 Commission Committee Reports  
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports  
R5 Ordinances  
R6 Commission Committee Reports  
R7 Resolutions  
R9 New Business and Commission Requests  
R10 City Attorney Reports

Reports and Informational Items



*"We are committed to providing excellent public service  
and safety to all who live, work, and play in our vibrant, tropical, historic community."*

**PA - Presentations and Awards**

- PA1 Proclamation To Be Presented Declaring May 16-22, 2004 "National Public Works Week."  
(Page 2)  
(Public Works)
- PA2 Certificates Of Appreciation To Be Presented To Stephen Herzfeld And Wilhelmina Neal, For Retiring  
After Teaching Over 30 Years In Miami Beach Sr. High School.  
(Requested by Commissioner Matti Herrera Bower)
- PA3 Certificates Of Appreciation To Be Presented To Miami Beach Sr. High Silver Knight Representatives  
2003-2004.  
(Requested by Commissioner Matti Herrera Bower)
- PA4 Miami Beach Metals Of Honor To Be Presented To The Miami Beach Sr. High Water Polo Team For  
Their Recent Championship Game Victory.  
(Requested by Mayor David Dermer)
- PA5 Certificates Of Appreciation To Be Presented To The Founders Of Miami Ad School For Winning 3  
Clio Awards.  
(Requested by Mayor David Dermer)

**CONSENT AGENDA**

**Action:**  
**Moved:**  
**Seconded:**  
**Vote:**

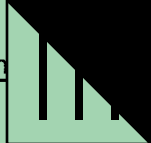
**C2 - Competitive Bid Reports**

- C2A Request For Approval To Purchase One (1) 2004 Ford F-350 4x4 Dump Body Truck And One (1)  
2004 Ford Crown Victoria Police Pursuit Vehicle, From Duval Ford, Pursuant To Florida State  
Contracts 070-001-04-1 And 03-11-0825, In The Total Amount Of \$47,371. (Page 5)  
(Fleet Management)

**C4 - Commission Committee Assignments**

- C4A Referral To The Land Use And Development Committee - An Ordinance Revising Parking Lot  
Setback Requirements In TH And RM-1 Residential Districts When There Is An Approved Street  
Improvement Plan That Incorporates A Public-Private Parking Agreement. (Page 9)  
(Planning Department)



**C4 - Commission Committee Assignments** (Continued)

- C4B Referral To The Neighborhood/Community Affairs Committee - A Discussion Regarding The Review And Approval Of The Placement Of A Commemorative Plaque Honoring Former Mayor Mel Richards.  
(Page 15)  
(Economic Development)

**C6 - Commission Committee Reports**

- C6A Report Of The Joint General Obligation Bond Oversight Committee And The Budget Advisory Committee Meeting Of May 3, 2004: 1) Presentation: a) Maintenance Of Infrastructure.  
(Page 24)
- C6B Report Of The General Obligation Bond Oversight Committee Meeting Of May 3, 2004: 1) Change Order Report; 2) Project Status Report: a) Fire Station No. 2; b) Fire Station No. 4; c) Normandy Isle Park And Pool; 3) Informational Items: a) Updated Calendar Of Scheduled Community Meetings.  
(Page 64)

**C7 - Resolutions**

- C7A Appointment Of Chief Special Master (Page 75)
1. A Resolution Accepting The Recommendation Of The Miami Beach City Manager Concerning Appointment Of Judge Robert Newman To Serve As Chief Special Master, Commencing July 1, 2004, And Ending December 31, 2004, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of City Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; Incorporating All Other Matters Set Forth Within City Of Miami Beach Resolution No. 98- 22777 Concerning The Compensation And Duties Of The Chief Special Master.
  2. A Resolution Accepting The Recommendation Of The City Manager Concerning The Appointment Of Judge Robert Newman To Serve As Chief Special Master Commencing July 1, 2004, And Ending December 31, 2004, Or Until A Successor Has Been Appointed, Who Shall Be Authorized To Hold Administrative Hearings Regarding Appeals From Citations For Violations Of Miami Beach City Code Chapters And Regarding Denials, Suspensions, And Revocations Of Occupational Licenses And Certificates Of Use, And To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct Such Hearings Pursuant To City Ordinances.
- (City Clerk's Office)

**C7 - Resolutions (Continued)**

- C7B A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By Several Unit Owners Of The Marlborough House Condominium Pertaining To DRB File No. 17373. (Page 96)  
(City Clerk's Office)
- C7C A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 3 To The Agreement Between The City And Gambach Architects, Inc., As Assignee Under The Agreement, Dated September 13, 1995, Between The City And Gambach-Sklar Architects, Inc.; Said Amendment, In The Amount Of \$41,900, To Provide Additional Construction Administration, Construction Management, Bidding And Other Related Professional Services Necessary To Complete The Improvements Of The Marseille Drive Streetscape Project; And Further Appropriating \$39,530.52, From The General Obligation Bond Interest Earnings Fund No. 373, \$12,262.37 From The Stormwater Interest Earnings Fund No. 428, And \$8,885.73 From The Water And Sewer Interest Earnings Fund No. 424, For A Total Appropriation Of \$60,678.62, To Provide Sufficient Funding For The Additional Services. (Page 105)  
(Capital Improvement Projects)
- C7D A Resolution Appropriating \$120,000, From The 1995 Parks Bond Interest Fund, To Provide Sufficient Funding To Complete The Construction Scope Of The North Shore Park And Youth Center Phases I, II, And III. (Page 112)  
(Capital Improvement Projects)
- C7E A Resolution Authorizing The City Manager To Allocate \$176,238 From The Resort Tax In Order To Continue The Enhanced Levels Of Homeless Services Provided To The City Of Miami Beach's Homeless Population By The Neighborhood Services Department, Office Of Homeless Coordination. (Page 117)  
(Neighborhood Services)

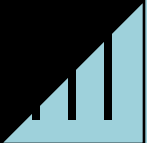
**End of Consent Agenda**



PA - Presentations and Awards

- PA1 Proclamation To Be Presented Declaring May 16-22, 2004 "National Public Works Week."  
(Public Works)
- PA2 Certificates Of Appreciation To Be Presented To Stephen Herzfeld And Wilhelmina Neal, For Retiring After Teaching Over 30 Years In Miami Beach Sr. High School.  
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(Requested by Mayor David Dermer)
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(Requested by Mayor David Dermer)

AGENDA ITEM PA1-5  
DATE 5-26-04



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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

Request For Approval To Purchase One (1) 2004 Ford F-350 4x4 Dump Body Truck And One (1) 2004 Ford Crown Victoria Police Pursuit Vehicle, From Duval Ford, Pursuant To Florida State Contracts 070-001-04-1 And 03-11-0825, In The Total Amount Of \$47,371.00.

**Issue:**

Shall the Commission Approve the Purchase?

**Item Summary/Recommendation:**

The 2004 Ford F-350 4x4 Dump Body truck is a **budgeted** replacement and will be funded by the Fleet Management Replacement Fund. This vehicle will be used by the Parks Department - Landscape and Maintenance Division tree trimming crews. The 2004 Ford Crown Victoria police pursuit vehicle is a replacement for vehicle no. 2617 as a result of an accident in which it was deemed a "total loss" and is being replaced using Risk Management Funds.

The Administration recommends approving the purchase.

**Advisory Board Recommendation:**

n/a

**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1	\$28,229.00	510.1780.000673 Fleet Management Replacement Fund	
	2	\$19,142.00	540.1792.000379 Risk Management Replacement Fund	
	3			
	4			
	<b>Total</b>	<b>\$47,371.00</b>		

Finance Dept.

**City Clerk's Office Legislative Tracking:**

Andrew Terpak

**Sign-Offs:**

Department Director		Assistant City Manager	City Manager
AK	GL	RCM	JMG
CL			

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AGENDA ITEM C2A  
DATE 5-26-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **REQUEST FOR APPROVAL TO PURCHASE ONE (1) 2004 FORD F-350 4X4 DUMP BODY TRUCK AND ONE (1) 2004 FORD CROWN VICTORIA POLICE PURSUIT VEHICLE, FROM DUVAL FORD, PURSUANT TO FLORIDA STATE CONTRACTS 070-001-04-1 AND 03-11-0825, IN THE TOTAL AMOUNT OF \$47,371.00.**

### ADMINISTRATION RECOMMENDATION

Approve the purchase.

### BID AMOUNT AND FUNDING

\$28,229.00	Fleet Management Replacement Fund	510.1780.000673
\$19,142.00	Risk Management Replacement Fund	540.1792.000379

### ANALYSIS

All vehicles are recommended to be purchased pursuant to Florida State Contracts 070-001-04-1 and 03-11-0825.

The 2004 Ford F-350 4x4 Dump Body truck is a budgeted replacement and will be funded by the Fleet Management Replacement Fund. This truck will be equipped with a two yard dump body and will be used by the Parks Landscape and Maintenance division tree trimming crews.

The 2004 Ford Crown Victoria police pursuit vehicle is a replacement for vehicle no. 2617 as a result of an accident in which it was deemed a "total loss" and is being replaced using Risk Management Funds.

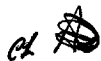
The vehicle listed below has met or exceeded the established criteria for replacement:

Veh#	Dept.	Year	Make/Model	Mi./Hours	Life to Date Maintenance	Condition
0515-3	0940	1993	Ford F350	35,928	\$14,056.43	Poor

The criteria are based on age, mileage, maintenance, engine hours (one engine hour idling = 35 miles), and overall condition of the vehicle. The life to date maintenance includes all costs associated with the vehicle, including, but not limited to, repairs, routine maintenance, accidents and other damage.



The Administration recommends that the City Commission approve the purchase of one (1) 2004 Ford F-350 4x4 Dump body truck and one (1) 2004 Ford Crown Victoria police pursuit vehicle, from Duval Ford, pursuant to Florida State Contracts 070-001-04-1 and 03-11-0825, in the total amount of \$47,371.00.



JMG/RCM/GL/CL/AET/mo

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**C4**  
**Comm. Committee**  
**Assignments**

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject: REFERRAL TO THE LAND USE COMMITTEE OF AN ORDINANCE  
REVISING PARKING LOT SETBACK REQUIREMENTS IN TOWNHOME  
(TH) AND MULTIFAMILY LOW DENSITY (RM-1) RESIDENTIAL  
DISTRICTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT  
PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING  
AGREEMENT**

### ADMINISTRATION RECOMMENDATION

Refer to the Land Use Committee.

### ANALYSIS

The City Code provides setback requirements for parking lots for its Zoning Districts. For RM-1, Residential Multifamily Low Intensity, this setback is twenty (20) feet for the front, five (5) feet or 5% of the lot width, which ever is greater, for the side, (5) feet rear setback for non-oceanfront lots and fifty (50) feet rear setback from the bulkhead line for oceanfront lots. For TH, Townhouse Residential, the parking lot setback requirement is the same as the building setback which is twenty (20) feet for the front, fifteen (15) feet between buildings and on sides facing a street; seven and half (7.5) feet for interior sides and twenty (20) feet at a minimum for the rear setback.

The proposed ordinance amendment would allow for a waiver of the parking lot setback requirement for RM-1 and TH when there is public-private parking agreement for the use of City right-of-way and adjacent private property for neighborhood parking based on an approved street improvement plan.

The primary reason for this change is to remedy the City's residential parking shortage in areas where existing conditions and the City's setback requirements prevent both the public and private development of parking opportunities for residents. In certain situations, the GO Bond Streetscape design process has identified a need to build parking spaces that are located partially in the public right-of-way and partially on private property. These design concepts have been supported by neighborhood residents and documented in the approved Basis of Design Reports. This amendment would allow the City to proceed with design and construction of such parking by entering into public/private parking agreements with the adjacent land owners on a case-by-case basis.

**Agenda Item** CYA

**Date** 5-26-04

In general, these agreements entail that the private property owner imparts an easement or similar rights to improve and use a portion of his or her “private” property adjacent to the right-of-way, in a manner determined by the City Attorney. Under the current parking setback requirements, this private property would not be allowed to be used for parking. When combined with the City’s right-of-way width, this additional footage increases the potential net parking for the street improvement plan.

A related issue that requires policy direction from the City Commission is how the use of these public-private parking spaces should be regulated. The private property owners have expressed a strong desire to be allowed to reserve the parking spaces for the exclusive use of themselves or their tenants. Their logic is that the parking spaces would be at least partially on private property and that they would be giving up existing reserved parking in the front yard setback area that they do not wish to lose. The existing parking in the setback does not comply with the zoning code; however there is no clear evidence that it was constructed illegally or without permits. There are benefits to both the public sector and the private sector to be balanced. Under the proposed design solution in the City’s streetscape project, the entire neighborhood would benefit from the aesthetic improvement created by organizing the parking, installing street trees and other landscaping in islands between parking spaces and reducing the overall amount of asphalt pavement. The public would also benefit in some cases such as North Shore Drive in Normandy Shores where there would be a public sidewalk constructed in the easement dedicated from private property. If the Commission agrees with the property owners’ position, the Administration would recommend an additional condition in the public-private parking agreement whereby the private owners would agree to maintain the parking spaces. If the Commission does not agree to allow reserved parking in these situations, an alternative would be a neighborhood parking decal program that would be administered and enforced by the Parking Department.

ANG   
JMG/CMC/JG/JAM

T:\AGENDA\2003\sep1003\regular\ORDINANCE Parking Setbacks for Public Private Agreements for Streetscape Improv\ORD PARKING SETBACK MEMO 09 10 03.doc

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS", ARTICLE II, "DISTRICT REGULATIONS", DIVISION 3, "RESIDENTIAL MULTIFAMILY DISTRICTS," SUBDIVISION II, "RM-1 RESIDENTIAL MULTIFAMILY LOW INTENSITY," AND DIVISION 15, "TH TOWN HOUSE RESIDENTIAL DISTRICT," BY AMENDING SECTION 142-156 AND SECTION 142-606, RESPECTIVELY, TO ESTABLISH REVISED STANDARDS FOR PARKING LOTS SETBACK REQUIREMENTS WHEN THERE IS AN APPROVED STREET IMPROVEMENT PLAN THAT INCORPORATES A PUBLIC-PRIVATE PARKING AGREEMENT WITH THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Beach continually seeks to update the requirements of the Land Development Regulations of the Code of the City of Miami; and

**WHEREAS**, the City of Miami Beach has adopted regulations pertaining to the setback requirements for parking lots; and

**WHEREAS**, the City of Miami Beach desires to refine, clarify, expand and enhance existing procedures and requirements to allow for the development of parking opportunities in those area where public and private opportunities are hindered by existing conditions; and

**WHEREAS**, the amendments set forth below are necessary to accomplish all of the above objectives.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.**

**SECTION 1.** That Section 142-156 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-156. Setback requirements.

(a) The setback requirements for the RM-1 residential multifamily, low density district are as follows:

	Front	Side, Interior	Side, Facing a Street	Rear
At-grade parking lot on the same lot except where (e) below is applicable	20 feet	5 feet, or 5% of lot width, whichever is greater	5 feet, or 5% of lot width, whichever is greater	Non-oceanfront lots--5 feet Oceanfront lots--50 feet from bulkhead line

(b) For purposes of this section, the setback regulations apply to lots over ten acres that are contiguous to Government Cut and/or the Atlantic Ocean on at least two sides. No variances shall be permitted from this subsection.

(c) Permitted accessory uses within the 50-foot oceanfront side and rear setbacks are limited to the following: enclosed structures not utilized for dwelling purposes, shade structures, swimming pools, cabanas, hot tubs, showers, whirlpools, toilet facilities, swimming pool equipment, decks, patios, and court games when such games require no fences.

d) For a lot that does not meet the location requirement in subsection (b) of this section, development shall meet the residential setback requirements as follows:

(e) In cases where there is a public – private parking agreement based upon an approved street improvement plan, the setback requirement for parking lots may be waived if it is to serve a public purpose.

**SECTION 2.** That Section 142-606 of the Land Development Regulations of the Code of the City of Miami Beach, Florida is hereby amended as follows:

Sec. 142-606. Setback requirements.

The setback requirements for the TH townhome residential district are as follows:

- (1) Front yard: 20 feet.
- (2) Side yard: 15 feet between buildings; 15 feet on sides facing a street; 7.5 feet for interior sides.
- (3) Rear yard: 20 feet minimum.
- (4) In cases where there is a public – private parking agreement based upon an approved street improvement plan, the setback requirement for parking lots may be waived if it is to serve a public purpose.

### **SECTION 3. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section”, “article”, or other appropriate word.

### **SECTION 4. REPEALER.**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 5. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall take effect ten days following adoption.

**PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2004.**

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

First Reading:

Second Reading:

Verified by: \_\_\_\_\_  
Jorge G. Gomez, AICP  
Planning Director

Underscore denotes new language  
5/19/2004

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# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject: REFERRAL TO THE NEIGHBORHOOD/ COMMUNITY AFFAIRS COMMITTEE  
– A DISCUSSION REGARDING THE REVIEW AND APPROVAL OF THE  
PLACEMENT OF A COMMEMORATIVE PLAQUE HONORING FORMER  
MAYOR MEL RICHARD.**

### ADMINISTRATION RECOMMENDATION

The Administration recommends referring this item to the Neighborhood/Community Affairs Committee.

### BACKGROUND

At the Community Affairs meeting held on September 25, 2001, there was a discussion concerning honoring the late Mayor Mel Richard. His son, Dennis Richard requested to have a street named after his father. Due to the fact that the renaming of streets and public facilities requires a lengthy approval process which includes a public referendum, the Committee recommended instead to place a commemorative plaque in a suitable location. It should be noted that in 1999, in response to a directive by the Mayor and City Commission, the Community Affairs Committee, together with input from Arts in Public Places, developed specific guidelines and policies (a copy of which is attached), to review the placement of plaques on a case-by-case basis. Diane Camber informed the Committee that a commemorative plaque would be placed in the Museum, but that one should be placed in an exterior public place. The Committee discussed various options for the location or the proposed plaque, including the plaza in the Collins Park Cultural Center, the courtyard of the Bass Museum and the stretch of Park Avenue in front of the Bass Museum. The Committee recommended to have Dennis Richard meet with representatives from the City's Administration and Robert A.M. Stern Architects to determine a location. The Committee's recommendations were subsequently approved by the City Commission at its meeting on November 18, 2001.

Since this time, Dennis Richard contacted Commissioner Bower and submitted proposed wording for a plaque, entitled "The Melvin J. Richard Rotunda" leading staff to believe that a misunderstanding existed as to the process involved in approving the location and content of the plaque. Staff has since reviewed the minutes of the September 25, 2001 Community Affairs meeting to determine if in fact any mention was made of naming the Rotunda after Mel Richard, or whether the Rotunda was identified as one of the locations

**Agenda Item** C4B  
**Date** 5-26-04

to place the plaque, which then may have been misinterpreted as renaming the facility. The only mention of the Rotunda was a question as to what the round structure was in the Robert A.M. Stern Master Plan. The reply was that it was the stand-alone Rotunda. It was not discussed as a possible location for the plaque.

## **ANALYSIS**

In order to proceed, plans for the proposed design and wording of the plaque need to be reviewed and approved by Design Review Staff. To this end, the Administration has been in contact with Dennis Richard to assist in the submittal of the plans. On May 14, 2004, Dennis Richard submitted a revised proposal, calling for the plaque to be located on a small raised pedestal/platform between the Rotunda and Collins Avenue. The design, by architect, Bill Taylor (a member of the Historic Preservation Board), is drawn to preserve a historical reference to the columns on the nearby Miami Beach library building which will soon be demolished. Since the architect proposes to use actual slab from the old library, he is requesting that when the structure is demolished, that some of the slab can be salvaged for the subject memorial plaque.

Pursuant to the policy (see attached memo), upon review and approval by the Neighborhood/Community Affairs Committee, the proposal, together with a written recommendation from the Neighborhood/Community Affairs Committee, shall be submitted to the Mayor and City Commission for approval. The proposal then goes to the Arts in Public Places (AIPP) Committee to determine the appropriate location for the plaque.

JMG/~~CMC~~<sup>OK</sup>/KOB

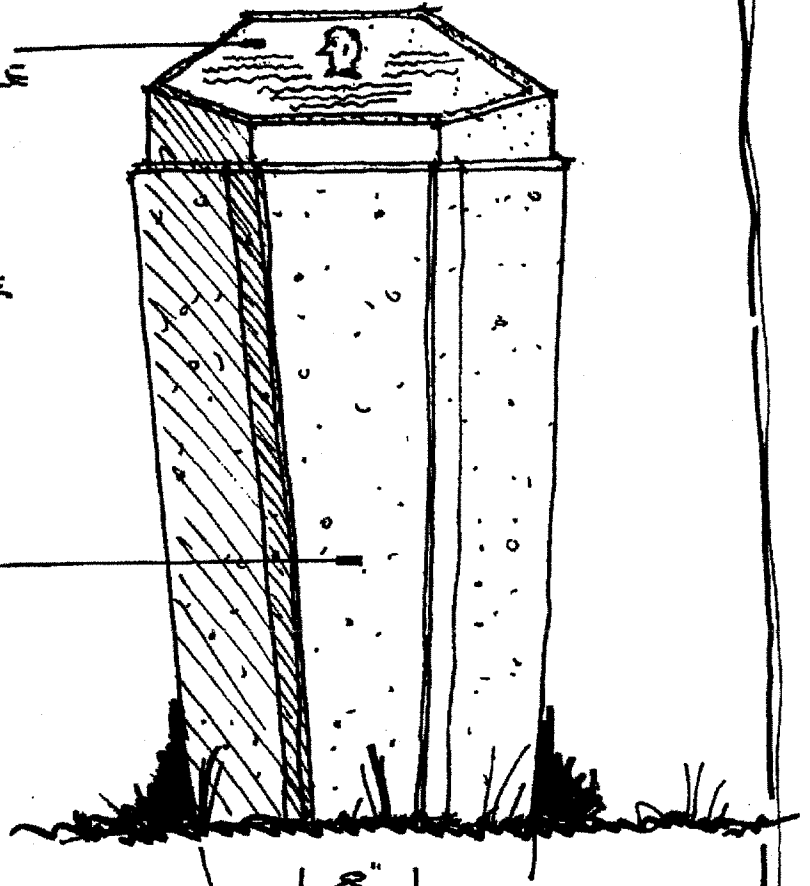
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Attachments

# MEMORIAL FOR MAYOR MELVIN RICHARD

COST BRONZE  
MEMORIAL COP  
W/ SILHOUETTE/ PROFILE  
+ DEDICATION

SALVAGED GRANITE  
SLABS FROM MIAMI  
BEACH LIBRARY  
(LOWER SECTION  
OR MIDDLE SECTION  
REASSEMBLED  
AROUND NEW  
POURED IN PLACE  
CONCRETE PYLON

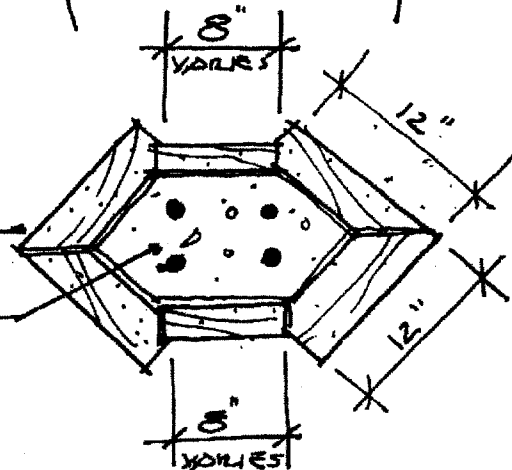


ELEVATION

N.T.S.

SALVAGED GRANITE  
SLABS

CONC. PYLON W/  
REINFORCEMENT



SECTION & BASE

N.T.S.

W.C. TAYLOR / ARCHITECT

[Face Relief]

**MELVIN J. RICHARD**

Melvin J. Richard came to Miami Beach in 1926 at the age of 14. His first labor for the young City was digging ditches, at 35 cents an hour, to pipe fresh water to its citizens. In 1934, at age 22, he became the 6<sup>th</sup> attorney in the City. In 1941, at age 29, he became City Judge. On June 7, 1949, he was elected to the City Council, a post he would hold for 16 years. On June 4, 1963 he was elected Mayor of Miami Beach.

He was known for his uncompromising honesty, and yielded to the control of no man or woman, except his wife, Janet. He successfully fought to keep the beaches open to the public, to keep organized crime out of the City, to keep Lincoln Road a pedestrian thoroughfare, and for many noble causes.

He died on February 12, 2001, at age 89, still practicing law, and still appearing before the City Commission for causes in which he believed. In all of these years he left the City and his family only once, from 1943 to 1946 to serve the Nation, and the City, as a decorated naval officer in the European Theater of World War II.

This building was designed and built under his watch as Mayor and Councilman, between 1962 and 1964, and dedicated to Melvin J. Richard on \_\_\_\_\_, 2004, by a grateful City.

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
<http://ci.miami-beach.fl.us>



COMMISSION MEMORANDUM NO. 258-00

**TO:** Mayor Neisen O. Kasdin and  
Members of the City Commission

**DATE:** April 12, 2000

**FROM:** Lawrence A. Levy   
City Manager

**SUBJECT:** A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING A POLICY FOR THE DESIGN AND PLACEMENT OF PLAQUES ON PUBLIC PROPERTY IN THE CITY OF MIAMI BEACH, AS ESTABLISHED BY THE COMMUNITY AFFAIRS COMMITTEE

## ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

## ANALYSIS

In March of 1998, the City Commission repealed policies allowing for the co-naming or sub-naming of streets and public facilities pursuant to the recommendation of the Neighborhoods Committee. At the meeting of June 9, 1999, the City Commission discussed using plaques as an alternative way to recognize outstanding individuals because excessive use of the current policy of renaming streets was determined to be confusing to residents and tourists.

The Community Affairs Committee (Committee) was created by Resolution No. 98-22693 on March 18, 1998, and is designated to review and make recommendations on naming requests of this nature. The Committee met on July 1, 1999 to discuss and formulate guidelines for plaques. The proposed guidelines were further amended to include general design standards, from the City's Planning Department. The amended guidelines were approved by the Community Affairs Committee in September and a report of the meeting was presented at the City Commission of October 6, 1999.

The Administration then met with the Art in Public Places Committee (AIPP) in February 2000 to present the new guidelines and request input from the AIPP. The AIPP's recommendation were incorporated in the guidelines (attached), including language to state that, upon approval by the City Commission, AIPP would identify suitable locations for the placement of plaques on a case-by-case basis.

The following guidelines, attached as Exhibit A, are presented for the approval of the Mayor and City Commission.

AGENDA ITEM

27C

DATE

4-12-00

## ***EXHIBIT A***

### **Plaques in Recognition of Outstanding Individuals Guidelines and General Design Standards**

#### **1. Plaques - Location and General Design Standards**

##### **a) Size and Material Standards:**

- Plaques shall be of bronze construction with raised, ribbon, or engraved letters, with a smooth round or square corner edge;
- Size of plaques shall be 10" by 14" vertically mounted except that special circumstances may be considered for plaques of either a smaller size or larger size subject to staff Design Review and approval.

##### **b) Location of Plaques:**

- All plaques and proposed plaque locations shall be subject to Design Review and approval at staff level. Applicants shall meet with staff prior to commencement of identifying location.

##### **c) Plaques Located on Buildings:**

- Any plaques on a building or structure should be located in a place and manner that does not disrupt the architectural design or significance of the building/structure - subject to staff review and approval.
- Plaques shall be located approximately just above eye level with the horizontal center line at approximately 68" above sidewalk.
- Plaques may only be permitted to be located on buildings and structures if an appropriate location is determined by Design Review staff.

##### **d) Plaques Located in the Public Right-of-Way:**

- Any plaques located in a public right-of-way shall be located, mounted, installed and lighted (if appropriate) in a manner which does not impede pedestrian or vehicular traffic as well as in a location which does not adversely impact upon or alter the special character of the right-of-way or its surrounding environs, including buildings, structures, landscaping, etc.

##### **e) Letter Font and Size:**

- All letter font and sizes shall be easily legible from a distance of 30" and shall be subject to Design Review staff review and approval.

##### **f) Proposed Plaque Copy:**

- All proposed plaque copy (text) shall be subject to review and approval by the Community Affairs Committee.

## ***EXHIBIT A (Continued)***

### **2. Plaques - Review and Placement Process**

- a) Request for Placement of a Plaque shall be made by the Mayor and/or a City Commissioner.
- b) Request shall be referred to the Community Affairs Committee for review and recommendation. Community Affairs Committee shall review proposal and any recommendations from Design Review staff regarding the proposal.
- c) Community Affairs Committee shall submit written recommendation to the full City Commission for review and approval of the request.
- d) After approval by the City Commission, the proposal will be brought before the Art in Public Places Committee for a recommendation on a location for the plaque.

### **3. Plaques - Sizes and Shapes**

- a) Size of plaques shall be 10" by 14" vertically mounted except that special circumstances may be considered for plaques of either a smaller size or larger size subject to staff Design Review and approval.

### **4. Plaques - Funding**

- a) All plaques shall be funded by the sponsor of the proposal.

**RESOLUTION NO. 2000-23847**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF  
MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING A  
POLICY FOR THE DESIGN AND PLACEMENT OF PLAQUES ON  
PUBLIC PROPERTY IN THE CITY OF MIAMI BEACH, AS  
ESTABLISHED BY THE COMMUNITY AFFAIRS COMMITTEE.**

**WHEREAS**, in March of 1998, the Mayor and City Commission repealed policies allowing for the co-naming or sub-naming of streets and public facilities, pursuant to the recommendation of the Neighborhoods Committee; and

**WHEREAS**, at the meeting of June 9, 1999, the Mayor and City Commission discussed using historic markers as a way to recognize outstanding individuals; and

**WHEREAS**, excessive use of the current policy of renaming streets was determined to be confusing to residents and tourists; and

**WHEREAS**, the Community Affairs Committee (Committee) was created by Resolution No. 98-22693 on March 18, 1998, and is designated to review and make recommendations on requests of this nature; and

**WHEREAS**, the Committee has been meeting to discuss and formulate guidelines for plaques and, on September 29, 1999, approved the attached policy regarding the placement of plaques on public property.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission herein accept the guidelines established by the Community Affairs Committee, attached hereto as Exhibit "A", regarding the placement of plaques on public property.

**PASSED and ADOPTED this** 12th **day of** April **2000.**

**ATTEST:**

  
CITY CLERK

LAL:JMH:jah  
Attachment

  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
City Attorney

4/15/00  
Date

F:\CMGR\SALL\UDY\COMMAFF\PLAQUES.RES





# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject: REPORT OF THE JOINT GENERAL OBLIGATION BOND OVERSIGHT  
COMMITTEE AND BUDGET ADVISORY COMMITTEE MEETING OF MAY  
3, 2004 REGARDING MAINTENANCE OF INFRASTRUCTURE**

A joint meeting of the General Obligation Bond Oversight Committee and Budget Advisory Committee (Committees) was held on May 3, 2004. The meeting was scheduled at the request of the Budget Advisory Committee chair, who also serves as the Budget Advisory Committee's representative to the General Obligation Bond Oversight Committee. The purpose of the meeting was for the Administration to present information regarding funding for maintenance of the City's infrastructure. A copy of that presentation is attached.

The presentation outlined the various categories and amounts of infrastructure the City had in its inventory, including the following:

- 322 Buildings, Facilities and Structures;
- 472 acres of City-owned Recreational Open Space;
- 12 miles of Inland Canals;
- 8,095 Parking Meters;
- 140 miles of Paved Streets;
- 242 miles of Sidewalks;
- 59 miles of Stormwater Collection pipes;
- 180 miles of Water pipes;
- 152 miles of Sanitary Sewer pipes; and
- 50 pieces of Art in Public Places.

This was followed by information regarding how much infrastructure would be added as a result of the current Capital Improvement Program (CIP), such as another 19 miles of Stormwater Collection pipes, almost 3,000 palms and 7,000 trees, and 22 miles of curbing. An outline of the various maintenance needs, schedules, and existing costs was provided.

While the City currently budgets approximately \$14.6 million for maintenance on an annual basis, more funding is needed to properly maintain all infrastructure at an appropriate level of service. Rising costs due to such factors as union contracts, personnel costs and the costs for contractual services lead to needing additional funding to continue maintaining the infrastructure at the current level of service. The Administration advised the Committees that the current maintenance performed on the City's infrastructure was not sufficient, and should be increased, which would also lead to a need for additional funding.

**Agenda Item** C6A

**Date** 5-26-04

The Administration outlined some steps that are being taken to identify how much more funding should be budgeted for maintenance, such as implementing a Pavement Management System and a Work Order Management System. The City is also hiring a consultant to study the City's buildings and structures, and their various components (such as HVAC systems, elevators, roofs, etc.) to determine their baseline conditions. The consultant will advise the City of any immediate maintenance needs, a schedule of maintenance for each building and component, and recommended replacement schedules.

As new projects are being implemented, such as the improvements included in the Right-of-Way (ROW) Infrastructure Improvement Program, the projects are being design with maintenance needs, costs and schedules in mind. Design firms are providing estimates for repair and replacement costs, and the recommended schedules, as the project designs are completed. These efforts should allow the City to determine more appropriate and realistic schedules and costs for maintenance in the future.

Several mechanisms that had been suggested in the past for funding the additional maintenance costs were identified. They included the "Millage for Maintenance" concept presented during the Fiscal Year 2004 budget process that was not adopted, as well as a referendum for dedicated maintenance funding that was presented to the voters in the 1990s but voted down. The Administration pointed out that the Redevelopment Areas (RDA) could now fund certain kinds of maintenance for structures within the RDA boundaries. Additionally, the expiration of the South Pointe RDA in Fiscal Year 2006 would generate a large infusion of funding into the City budget, part of which is being earmarked for maintenance funding. However, the Administration had more work to do to determine the necessary level of funding and what the right mechanisms to generate the funding would be.

A discussion regarding the presentation and the information in it was held. Frank Del Vecchio, General Obligation Bond Oversight Committee member representing the South Beach District, stated that the Administration had made the case that a substantial increase in funding for maintenance was needed for both the existing infrastructure and the infrastructure to be constructed in the future. He suggested that the Administration quantify how much additional funding would be needed based on the cost experience of the City in past years. He further stated that it appeared that the additional funding mechanisms identified in the presentation would not generate enough funds to pay for all of the maintenance for the existing infrastructure, before even considering the new infrastructure that would be added.

Jorge Gonzalez, City Manager, responded that determining the necessary level of funding is similar to the chicken versus egg scenario. The Administration could calculate the estimated costs for maintaining all current and proposed infrastructure at an existing rate, or quantify and construct the proposed infrastructure, determine the appropriate level of maintenance for all infrastructure, and then determine the necessary funding level. He stated that the City staff is well aware of the insufficient funding, and is trying to put in place

the best systems possible to get the City where it needs to be with regard to maintaining the City's infrastructure.

City Manager Gonzalez said that the issue comes down to allocating dollars. The City Commission is supportive of funding maintenance, but is in a difficult position having to choose between allocating dollars to services for the public versus maintaining and constructing City infrastructure until additional funding sources can be identified. It is a policy decision that elected officials need to grapple with. He stated that every issue has its stakeholders. Groups such as the General Obligation Bond Oversight Committee and the Budget Advisory Committee can become stakeholders for the concept of funding maintenance at the appropriate levels, and support the City Commission when they have to make such difficult decisions.

Michael Rotbart, General Obligation Bond Oversight Committee member representing the North Beach District, asked the City Manager if he felt the level of maintenance currently provided by the City was ranked as high, medium or low. City Manager Gonzalez stated that he felt it was certainly not a high level of service, but probably a bare minimum. He clarified that the ranking would vary depending on the infrastructure in question. The infrastructure funded by the City's enterprise funds, such as the parking, stormwater, water and sewer systems, has dedicated funding sources for construction, operation and maintenance, and therefore may experience higher levels of maintenance.

Roberto Sanchez, General Obligation Bond Oversight Committee member representing the North Beach District, stated that for the first few years of the lifespan of new projects, the demand for maintenance would not be as high as later in the lifespan. City Manager Gonzalez responded that the concept was correct for the Right-of-Way Infrastructure Improvement Program, but that the facilities would have the biggest impact, as they need maintenance on a regular basis. For components such as the pavement system, the useful life can be tracked, and repairs scheduled on regular cycles. When maintenance begins to cost more than replacement would, the pavement would be scheduled for replacement.

Eugene Woodard of the Budget Advisory Committee asked what was included in the definition of maintenance. He stated that the Budget Advisory Committee had not tackled that issue yet, but that it should. Maintenance can have many facets, and not everyone may agree on what should be considered a part of the definition. He expressed his concern that the issue centers on the aesthetics of the infrastructure and could better be described as 'how we keep the glitter on our infrastructure.'

Leonard Wien, General Obligation Bond Oversight Committee member representing the Miami Beach Chamber of Commerce, congratulated the Administration on putting together the presentation. The presentation demonstrated how complex the issue of maintenance and the funding for it was. He felt that it might be helpful to hire outside firms to focus on the aesthetic condition of the infrastructure, with the input of the residents and specially-formed advisory groups. He stated that he was in favor of the "Millage for Maintenance"

concept proposed by the Administration, and that the public would also be in favor of it to maintain the infrastructure constructed by the General Obligation Bond funds that they voted for. He further felt that it was the role of the General Obligation Bond Oversight Committee to ensure that the General Obligation Bond funds are being spent wisely, and that he was speaking on behalf of those residents who were not as actively involved in the process.

Mitch Novick, General Obligation Bond Oversight Committee member representing the Historic Preservation Board, stated that the City has experienced an enormous increase in the utility billing rates since 1997, and wanted to know what those funds were going toward if not repairs and maintenance. City Manager Gonzalez responded that in part, the rate increases were paying for the debt service on the bonds issued for the stormwater, and water and sewer system improvements being constructed in conjunction with the General Obligation Bond funded streetscape improvements. Mr. Novick stated that he felt there should be some oversight to how the Stormwater and Water and Sewer Bonds are being spent, and that perhaps this could become a part of the General Obligation Bond Oversight Committee's purview. City Manager Gonzalez stated that the oversight is ultimately a role of the City Commission. However, there are several levels of review by those individuals and Committees that approve the Basis of Design Reports for each Right-of-Way Infrastructure Improvement Project, such as the General Obligation Bond Oversight Committee.

Scott Needleman, General Obligation Bond Oversight Committee member representing the South Beach District, stated that it was obvious that there was barely enough funding now to maintain existing infrastructure, and that more funding would be needed. He was unsure of where the funds would come from, but that the next step was to educate the citizens on the issue and identify which ones would support the concept of additional funding for maintenance.

Deede Weithorn, Chair of the Budget Advisory Committee and the Budget Advisory Committee's representative to the General Obligation Bond Oversight Committee, informed the General Obligation Bond Oversight Committee that the Budget Advisory Committee had supported the "Millage for Maintenance" concept during the Fiscal Year 2004 budget process, but that they could not act as the sole supporter. Perhaps with the support of the General Obligation Bond Oversight Committee and other groups that will be educated on the issue, the concept will be approved in coming years. She felt that the issue needed to be discussed with residents, and that the residents would support the issue if they understood it.

Mr. Del Vecchio stated that people's eyes glaze over when budgets are discussed, and that there is no one set definition of what is considered maintenance. He felt that more outreach needed to be done, perhaps with the assistance of a Blue Ribbon Committee or an Informed Advisory Group. He stated that there needed to be a group that would make presentations on the issue to inform the residents.

May 26, 2004

Report of the Joint General Obligation Bond Oversight Committee and Budget Advisory Committee

Meeting of May 3, 2004 Regarding Maintenance of Infrastructure

Page 5 of 5

Amy Rabin, General Obligation Bond Oversight Committee member representing the Middle Beach District, added that the community doesn't follow where the money comes in from and what it goes toward paying for.

City Manager Gonzalez stated the Administration would love to better educate the public on how money flows in and out of the City. For instance, he felt that most residents did not know that of all the money in the City's General Fund, only 45% of the revenue came from property taxes. He stated that the City Commission does a great job of balancing the needs of the City, and that the Administration needed to educate the residents on how the City's funds are generated and spent.

Ms. Weithorn stated that it is a right of passage for every new Budget Advisory Committee member to learn about the City's funding and expenditures. As Chair of the Budget Advisory Committee, she would welcome the opportunity to educate other residents. Perhaps this would be the focus of future budget workshops.

Ms. Rabin asked if it was true that the athletic fields are mowed two (2) to three (3) times per week. Kevin Smith, Director of Parks and Recreation, confirmed that athletic fields with Bermuda grass are in fact mowed two (2) to three (3) times per week. He further stated that the high level of maintenance required on fields with Bermuda grass is why the Parks and Recreation Department is no longer installing Bermuda grass on its fields.

Mr. Del Vecchio stated that there are 13 members of the General Obligation Bond Oversight Committee that represent all aspects of the City's residents. He said that it was clear what the City would be building would not be properly maintained without additional funding. He suggested that additional joint meetings between the General Obligation Bond Oversight Committee and the Budget Advisory Committee be held to continue discussing how the infrastructure constructed with General Obligation Bond funds would be maintained.

Ms. Weithorn thanked the Administration for putting together the presentation at her request, and thanked the Budget Advisory Committee for meeting on a night other than their regularly scheduled nights to address such an important topic. She stated that the Budget Advisory Committee would be addressing what is included in the definition of maintenance.

City Manager Gonzalez thanked the staff for their hard work in creating the presentation, and thanked the Committees for actively participating in such an important discussion. The meeting was adjourned at approximately 7:30 p.m.

Attachment

JMG/RCM/TJA

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**City of Miami Beach Capital Improvement Program**

# **Maintenance of Infrastructure**

## **Joint Meeting of the General Obligation Bond Oversight Committee and Budget Advisory Committee**

**May 3, 2004**





## *City of Miami Beach Capital Improvement Program*

# Introduction

- Deede Weithorn, Chair, Budget Advisory Committee/Ex-Officio Member, General Obligation Bond Oversight Committee
- Jorge M. Gonzalez, City Manager





## *City of Miami Beach Capital Improvement Program*

# Purpose Today

- Scope of Maintenance Needs
- Current Maintenance Plan
- Issues to Consider





## *City of Miami Beach Capital Improvement Program*

# Scope of Maintenance Needs

- FY 03/04 Operating Budget includes approximately \$14.6 million for Citywide Maintenance and repairs.
  - Includes:
    - City Performed Maintenance
    - Contracted Maintenance





## ***City of Miami Beach Capital Improvement Program***

# **Scope of Maintenance Needs**

## **Buildings, Structures and Facilities:**

322 Buildings, Structures and Facilities	
— Beach Structures (Life Guard Stands)	88
— Recreation Facilities (Athletic Facilities)	60
— Special Use (Bass Museum, Community Center)	14
— Public Safety (Fire Station)	19
— Administrative (City Hall, 555 and 777)	6
— Industrial Use (Fleet)	43
— Parking Garages	6
— Miscellaneous Structures	86





## City of Miami Beach Capital Improvement Program

# Scope of Maintenance Needs

## Recreational Open Space:

### 472 Acres of City-owned Recreational Open Space

#### 21 Staffed Parks

- 1 Track
- 1 Ice Rink
- 1 Football Stadium
- 1 Baseball Stadium
- 3 Youth/Community Centers

- 6 Tennis Sites
- 3 Pools
- 7 Sports Fields
- 10 Playground Tot Lots

- 1 Par 3 Golf Course

- 2 Regulation Golf Courses

- 2 Bark Parks

#### 14 Passive Parks





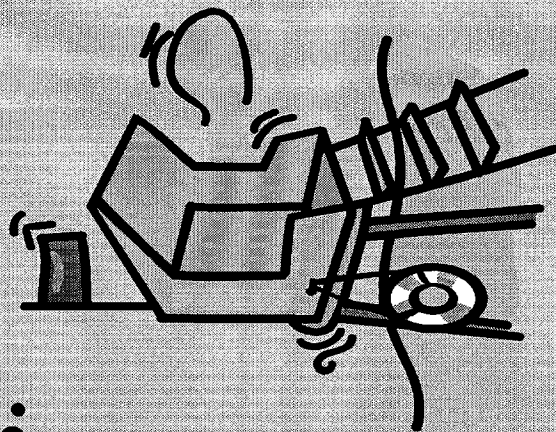
## ***City of Miami Beach Capital Improvement Program***

# **Scope of Maintenance Needs**

## **Beaches, Waterways and Recreational Corridors:**

- 7 Miles of Oceanfront Beaches
- 3.26 Miles of City-owned Seawalls
- 12 Miles of Inland Canals
- 2.6 Miles of Recreational Corridors

(i.e., Beach Walk, Bay Walk, Boardwalk)







## *City of Miami Beach Capital Improvement Program*

# Scope of Maintenance Needs

### **Parking Garages and Lots:**

6 Parking Garages = 3,948 parking spaces

62 Parking Lots = 5,823 parking spaces

8,095 Parking Meters (4,488 On-Street/3,607 Off-Street)

4,000 Parking Signs

27.5 Acres of Landscaping

9 Acres of Irrigation





## *City of Miami Beach Capital Improvement Program*

# Scope of Maintenance Needs

## Streets and Streetlight Systems:

140 Miles of Paved Streets

242 Miles of Sidewalk

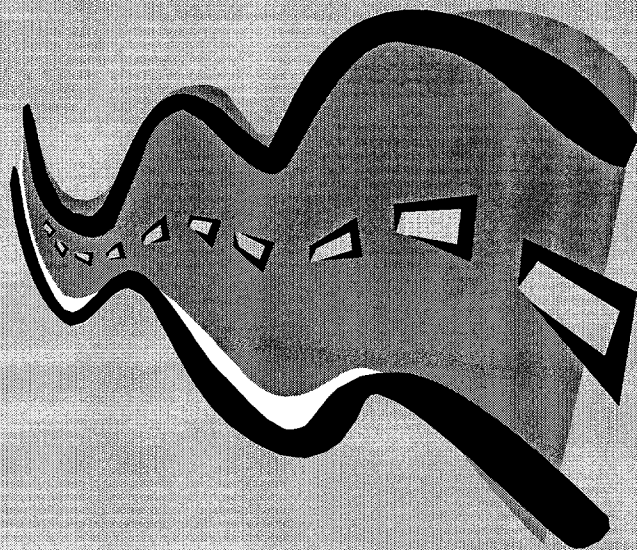
33 Miles of Alleys

200 Miles of Curb and Gutter

5,800 Street Lights

1,000 Landscape Up-Lights

92 Acres of Landscaped Medians/Swales







## ***City of Miami Beach Capital Improvement Program***

# **Scope of Maintenance Needs**

## **Stormwater Collection System:**

311,874 Linear Feet/ ~ 59 Miles

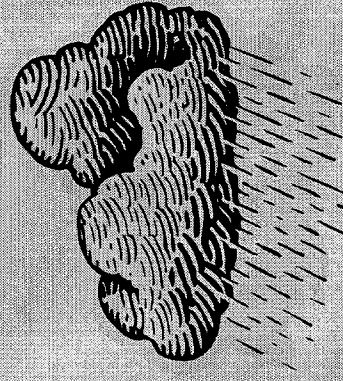
353 Stormwater Outfalls

5,000 Stormwater Catch Basins

72 Drainage Wells

115 Exfiltration Trenches

2 Pumps







## ***City of Miami Beach Capital Improvement Program***

# **Scope of Maintenance Needs**

### **Water Distribution System:**

951,480 Linear Feet/ ~ 180 Miles

23,000 Valves

12,600 Meters

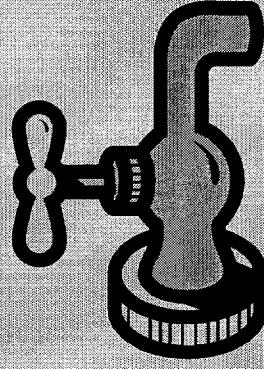
1,000 Fire Hydrants

700 Fire Lines

86 Water Crossings

5 Pump Stations

4 Water Storage Tanks (14 Million Gallons Total)







*City of Miami Beach Capital Improvement Program*

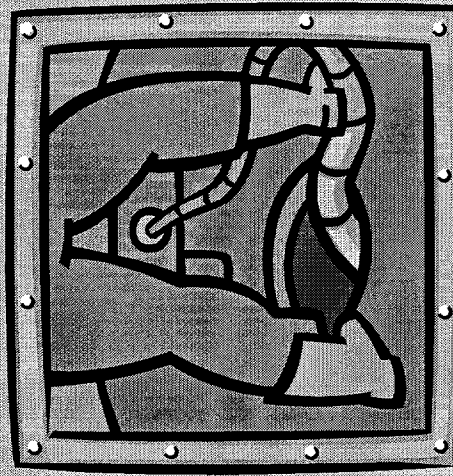
# Scope of Maintenance Needs

## Sanitary Sewer Utility System:

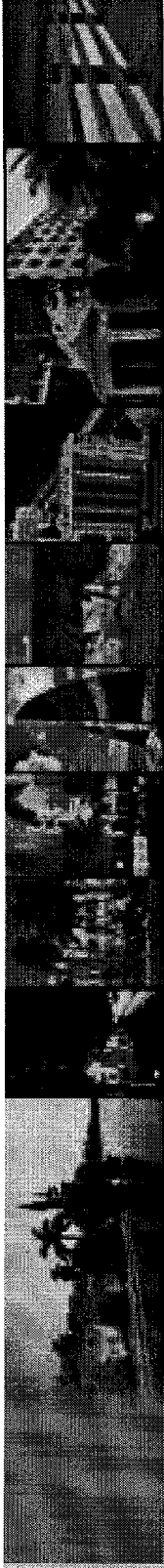
803,470 Linear Feet/ ~ 152 Miles

23 Sanitary Pump Stations

2,000 Manholes







## *City of Miami Beach Capital Improvement Program*

# Scope of Maintenance Needs

## Art in Public Places (AiPP):

Almost 50 different pieces

- Permanent Installations (i.e., Save Our Oceans ceramic tile floor in City Hall)
- Photographs, Oil Paintings
- Bus Wraps
- Monuments (i.e., Flagler Memorial; Great Spirit Indian)
- Sculptures (i.e., the Mermaid in front of TOPA)





## *City of Miami Beach Capital Improvement Program*

# Maintenance Needs of Scope to Be Added

- Right of Way (ROW) Infrastructure Improvement Program
  - Additional 100,471 Linear Feet (~ 19 Miles) to Stormwater Collection System
  - Additional 8 Stormwater Pump Stations
  - Additional 227 Drainage Wells
  - Additional 2,944 Palms
  - Additional 6,831 Trees
  - Additional 96,841 Bushes





## *City of Miami Beach Capital Improvement Program*

# Maintenance Needs of Scope to Be Added

- Right of Way (ROW) Infrastructure Improvement Program (continued)
  - Additional 77,076 Linear Feet (~ 15 miles) of Sidewalk
  - Additional 117,990 Linear Feet (~ 22 miles) of Curbing
  - Additional 1,924 Streetlights
  - Additional 1,043 Up-Lights





## *City of Miami Beach Capital Improvement Program*

# Maintenance Needs of Scope to Be Added

- Parks and Facilities Program
  - Parks Still to be Designed

Flamingo Park

Collins Park

Garden Center Botanical Garden

South Pointe Park

Altos Del Mar Park

Group “C” Parks (Fairway, Muss and Washington)

- City Hall Parking Garage will add 480 Parking Spaces, approximately 20,000 Square Feet of Office/Retail Space
- Pump Station Program – Rebuilding 29 and Building 2 New Pump Stations with New Technology





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- FY 03/04 Operating Budget includes approximately \$14.6 million for Citywide Maintenance and repairs for existing  
Scope
  - \$9 million from the General Fund
    - ½ for Building/Structure/Facilities Maintenance
    - ½ for Streets, Sidewalks, Streetlights, Parks and Landscaping Maintenance
  - \$5.6 million from Other Funds
    - Such as Parking, Water, Sewer and Stormwater Funds
- Costs Increase Annually due to Inflation, personnel services increases, etc.
- Annual Maintenance Competes for General Fund Resources with Other Needs, such as Public Safety





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Buildings, Structures and Facilities
  - Current Annual Maintenance Provided
    - Administrative – HVAC, Electrical, Elevators
    - Industrial – Components, Lighting, Electrical, Air
    - Recreational – Fencing, Facilities, Plumbing
    - Beach Facilities – Carpentry, Electrical, Painting
    - Public Safety – Ranges, Electrical, HVAC
    - Special Use – Lighting, Audio, Seating, HVAC
    - Miscellaneous





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parks and Recreation:
  - Turf Maintenance
    - Includes Mowing, Trimming, and Edging 36 times per year, Fertilization 3 times per year, Irrigation Repairs and Pest Control as needed
  - Hedge Maintenance
    - Includes Pruning and Weeding 12 times per year, Fertilization 3 times per year, Pest Control as needed, and Mulch Application 2 times per year
  - Ground Cover (Perennials) Maintenance
    - Includes Weeding 3 times per month, Fertilization 4 times per year, Pest Control as needed, and Mulch Application 2 times per year





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parks and Recreation:
  - Ground Cover (Annuals) Maintenance
    - Includes Weeding 4 times per month, Fertilization every 2 to 3 weeks, Pest Control as needed, and Mulch Application 2 times per year
  - Canopy Tree Maintenance
    - Includes Structural Pruning 1 time per year (Trees under 5 years old), Fertilization 2 times per year, Pest Control as needed, and Mulch Application 2 times per year
  - Palm Maintenance
    - Includes Pruning (dead limb/seed removal only) 3 times per year, Fertilization 3 times per year, Pest Control as needed, and Mulch Application 2 times per year





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parks and Recreation:

- Athletic Fields Maintenance

- Includes Mowing 2-3 times per week, Fertilization 6 times per year, Turf Slicing 3 times per year, Pest Control as needed, Clay Grooming during Sports Seasons, Laser Grading as needed

- Tot-Lot Maintenance

- Includes Equipment Cleaning and Litter Control 5 times per week, Steam/Pressure Cleaning 1 time per month, Weekly Equipment Hazard inspections, Repair/Replace Equipment as needed





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parks and Recreation:
  - Levels of Service
    - High Maintenance Areas – Staffed Parks with Tot-Lots, Athletic Fields, Automated Irrigation Systems (Flamingo Park Sports Stadium) and High Visitor Usage Parks (Lummus Park).
      - Parks and Recreation staff provides enhanced Site Inspections and Litter Control, Tot-Lots receive cleaning 5 times per week and monthly pressure cleaning. Athletic Fields are groomed and mowed/fertilized more frequently.





## City of Miami Beach Capital Improvement Program

# Current Maintenance Plan

- Parks and Recreation:
  - Levels of Service
    - Average Maintenance Areas – Passive Park sites (Belle Isle Park), with no on-site staff and no Tot-Lot Equipment, with Irrigation Systems and possibly flower beds.
      - Service is provided by roving crews at the standard frequencies. Irrigation systems are also serviced.





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parks and Recreation:
  - Levels of Service
    - Low Maintenance Areas – Sites which have no Irrigation, no Assigned Staff and No Equipment (Pump Stations).
      - Service is provided by roving crews at the standard frequencies.





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parks and Recreation Replacement Plan:
  - Replace 140,000 square feet of Turf annually
  - Replace 16,700 linear feet of Hedge Material annually
  - Replace 22,000 Perennials annually
  - Replace 18,000 Annuals annually
  - Replace 20 Canopy Trees annually
  - Replace 60 Palms annually
  - Replace 300 cubic yards of Tot Lot sand annually
  - Replace 2,000 cubic yards of Mulch annually



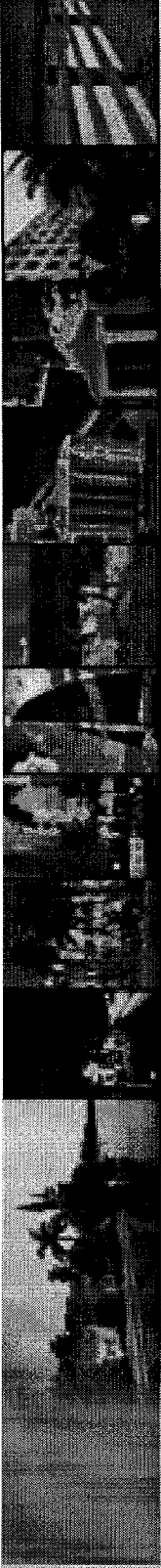


## City of Miami Beach Capital Improvement Program

# Current Maintenance Plan

- Parking Maintenance on an Regular Basis:
  - Garages:
    - Structural Analysis – Structural (cracks), Concrete (spalling), Expansion Joints, Waterproofing
    - Lighting/Electrical Analysis – Photometric, Fixtures, Conduits
    - Elevators – Cabs, Hydraulics, Cylinder
    - General Maintenance – Striping, Signage, Painting





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Parking Maintenance on an Regular Basis:
  - Parking Lots:
    - Milling/Resurfacing/Striping – Replacement of Asphalt, Re-striping Parking Lot
    - Concrete Restoration – Repair or Replacement of Curbing and/or Sidewalks
    - Lighting/Electrical – Photometric, Fixtures, Conduit
    - Exfiltration/Drainage – French Drains, Well Systems
    - Landscaping/Irrigation – Trees, Shrubs, Watering
    - ADA Compliance – Ratio of Disabled Spaces, Accessible Paths, Slopes





## City of Miami Beach Capital Improvement Program

# Current Maintenance Plan

- Parking Maintenance on an Regular Basis:
  - Annual Maintenance Cost: \$75.00 per parking space (\$732,825) per *Walker Parking Demand Analysis* Recommendation



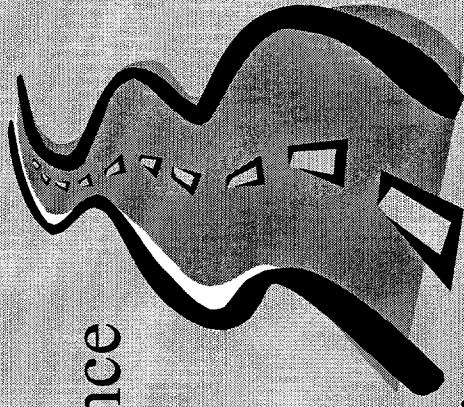


## City of Miami Beach Capital Improvement Program

# Current Maintenance Plan

- Streets and Streetlights Systems Maintenance

Annual Costs: ~\$15,890 per mile



- Patching - Over 3,000 potholes
- Resurfacing – Over 1,600 linear feet of repair
- Repairing – Over 3,980 streetlights repaired or replaced
- Evaluating – Over 50 miles of surface
- Inspecting – 1,200 construction ROW permits



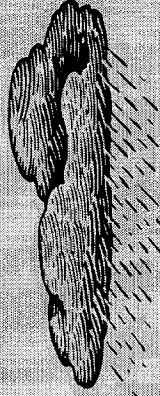


## City of Miami Beach Capital Improvement Program

# Current Maintenance Plan

- Stormwater Collection System Maintenance

Annual Costs: ~ \$33,400 per mile



Collection – Over 7,000 catch basins cleaned

Transmission – Over 26 miles of piping cleaned

Over 600 manholes inspected, cleaned

Disposal – Over 175 outfalls cleaned and cleared

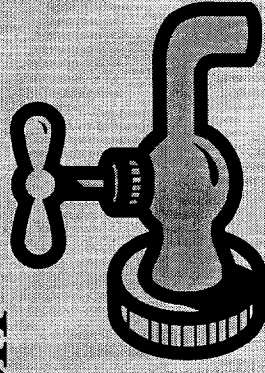
Inspect, Clean, and Redevelop 15 Wells Annually





## City of Miami Beach Capital Improvement Program

# Current Maintenance Plan



- Water Distribution System Maintenance
  - Annual Cost: ~ \$41,100 per Mile
  - Repair – Average 1,300 water leaks annually
  - Replace – Average of 360 Fire Hydrants
  - Exercise – Over 2,000 valves annually
  - Collect – Over 2,100 Water Samples Annually
  - Test – Average 4,000 Water Chlorine Tests Conducted Annually





## *City of Miami Beach Capital Improvement Program*

# Current Maintenance Plan

- Sanitary Sewer Utility System Maintenance
  - Annual Costs: ~ \$26,973 per Mile
  - Replace – Over 2,000 linear feet of main and lateral piping
  - Clean & Inspect – Over 150 miles of main and lateral piping
  - Exercise – Over 150 suction and discharge valves
  - Test – Power, lighting and other essential systems





## *City of Miami Beach Capital Improvement Program*

# Issues to Consider

- Additional Infrastructure Being Added
  - During Design, Estimating Impact of Design on Maintenance
  - Smart Designs with Maintenance Costs Considered
- Need to Define Appropriate Level of Service
  - RFQ for Baseline Information for Buildings/Facilities
  - Work Order Management System
  - Pavement Management System





## City of Miami Beach Capital Improvement Program

# Issues to Consider

- Rising Annual Costs
- Additional Resources Needed
  - “Millage for Maintenance” Concept
  - Referendum for Maintenance
  - RDA funding Maintenance in RDA Areas
  - RDA expiration in FY 2006
  - Other





## City of Miami Beach Capital Improvement Program

# DISCUSSION

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject: REPORT OF THE GENERAL OBLIGATION BOND OVERSIGHT  
COMMITTEE MEETING OF MAY 3, 2004**

The General Obligation Bond Oversight Committee ("Committee") met on May 3, 2004. At the meeting, the Committee considered the following issues.

The Committee reviewed the minutes from the April 12, 2004 meeting. The minutes were passed.

### **CHANGE ORDERS**

The Administration informed the Committee that two new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A".

### **PROJECT STATUS REPORT**

The Administration informed the Committee that there was a delay in the schedule for Phase I of the **Fire Station No. 2** project (Water Tanks portion). The contractor had been awaiting delivery of an emergency generator, which was not delivered on time. The contractor had estimated that the completion of the project could occur earlier than the schedule called for, but with the delay of the generator delivery, the project would not finish early. The Fire Station No. 2 facility will begin construction after completion of the Water Tanks portion.

The Committee was told that the permit review process for the **Fire Station No. 4** project had not yet been completed. The Planning Department had raised an issue regarding a master plan that the Administration was trying to resolve. Once a permit is issued, the project will be put out to bid for construction. Demolition of the existing station will begin once the permit is issued. The demolition commencement is anticipated for June, with construction of the new Fire Station anticipated to start in August.

The Administration informed the Committee that the Contractor was progressing and continuing to correct past incorrect installations. The Administration is awaiting a change order proposal from the Contractor for the deletion of scope from the project. The Contractor will delete the soccer field, multi-purpose courts, fencing, drainage and walkways within the park. These components will then be assigned to another contractor to finish the construction of the park.

**Agenda Item** C6B  
**Date** 5-26-04

City Commission Memorandum

May 26, 2004

Report of the General Obligation Bond Oversight Committee Meeting of May 3, 2004

Page 2 of 2

**INFORMATIONAL ITEMS**

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Attachment

JMG/ROM/TH/KJM

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**General Obligation Bond Oversight Committee  
Change Order Report - May 2004**

Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	Contract Amount Remaining to be Paid	# of Days	Purpose
Espanola Way	1	1/24/02	\$761,526.70	(\$1,085.00)	\$760,441.70	\$141,558.30	20%			Value Engineering of curb and gutter to valley gutter
Espanola Way	2	1/24/02	\$760,441.70	\$5,300.00	\$765,741.70	\$141,558.30	20%			Paid from funding outside contingency - additional sidewalk, curb and gutter
Espanola Way	3	1/24/02	\$765,741.70	\$81,650.00	\$847,391.70	\$59,908.30	20%			Add revised sanitary sewer improvements (2 manholes, relief line, Ductile Iron Pipe Sleeves) (originally anticipated)
Espanola Way	4	1/24/02	\$847,391.70	(\$27,845.00)	\$819,546.70	\$87,753.30	20%			Value Engineering of base under sidewalk
Espanola Way	5	1/24/02	\$819,546.70	\$8,568.00	\$828,114.70	\$79,185.30	20%			Revised drainage structures to comply with DERM regulations
Espanola Way	6	6/14/02	\$828,114.70	\$900.00	\$829,014.70	\$78,285.30	42%		0	Adjust Storm Drain due to conflict with FPL Duct Bank
Espanola Way	7	6/14/02	\$829,014.70	\$14,988.00	\$844,002.70	\$63,297.30	42%		0	Concrete work to reduce slopes of plaza to approx. 2%
Espanola Way	8	6/14/02	\$844,002.70	\$13,000.00	\$857,002.70	\$50,297.30	42%		+49	Storm drain modifications to adjust plaza slopes to approx. 2%
Espanola Way	9	10/21/02	\$857,002.70	\$799.00	\$857,801.70	\$50,297.30	65%		0	Loading Zone at Barcelona Hotel, requested and funded by Property Owner
Espanola Way	10	10/21/02	\$857,801.70	(\$1,708.90)	\$856,092.80	\$52,006.20	65%		0	Delete 8 Planters (Owner request)
Espanola Way	11	10/21/02	\$856,092.80	\$5,190.00	\$861,282.80	\$52,006.20	65%		21	Underground Phone and TV cables, requested and funded by property owner
Espanola Way	12	10/21/02	\$861,282.80	(\$100.00)	\$861,182.80	\$52,006.20	70%		0	Credit for error on Change Order # 9
Espanola Way	13	10/21/02	\$861,182.80	\$1,180.00	\$862,362.80	\$50,826.20	70%		0	Water line to Proposed fountain
Espanola Way	14	11/12/02	\$862,362.80	\$720.00	\$863,082.80	\$50,106.20	85%		0	Ramp at Tantra for Dumpster
Espanola Way	15	11/12/02	\$863,082.80	\$512.00	\$863,594.80	\$49,594.20	85%		0	Change Planter Layout (Owner Request)
Espanola Way	16	11/12/02	\$863,594.80	\$2,000.00	\$865,594.80	\$47,594.20	85%		5	Change inlet to Storm drains
Espanola Way	17	12/6/02	\$865,594.80	\$500.00	\$866,094.80	\$47,094.20	90%		0	Additional rain water leaders
Espanola Way	18	12/6/02	\$866,094.80	(\$1,584.50)	\$864,510.30	\$48,678.70	90%	\$	0	Plant material change by Landscape Architect
Fisher Park	1	8/10/99	\$140,451.04	\$6,874.12	\$147,325.16	\$7,201.39	27%	\$		New scope of work for new layout of tot lot & install new fencing
Flamingo Pool	1	9/25/01	\$2,399,800.00	\$53,500.00	\$2,453,300.00	\$239,980.00				Re-route electrical feed
Flamingo Pool	2	10/24/01	\$2,453,300.00	\$20,170.48	\$2,473,470.48	\$219,809.52	40%			relocate FPL underground line to accommodate new pool
Flamingo Pool	3	10/24/01	\$2,473,470.48	\$62,800.00	\$2,536,270.48	\$157,009.52	40%			Add Alternate # 2 - Sunburst Fence (originally anticipated)
Flamingo Pool	4	10/24/01	\$2,536,270.48	(\$8,680.00)	\$2,527,590.48	\$165,689.52	40%			Delete 3 lifeguard chairs and substitute pool coating
Flamingo Pool	5	2/19/02	\$2,527,590.48	(\$11,246.40)	\$2,516,344.08	\$176,935.92	80%		-10	Credit for using existing portion of sanitary sewer lines
Flamingo Pool	6	2/19/02	\$2,516,344.08	\$37,503.65	\$2,553,847.73	\$139,432.27	80%		+15	Revised storm system layout to include new drainage well. Installation of support haunches at large pool for structural stability.
Flamingo Pool	7	4/2/02	\$2,553,847.73	\$54,000.00	\$2,607,847.73	\$85,432.27			+10	Installation of Spray Deck, included as Add Alternate, requested by Parks (originally anticipated)
Flamingo Pool	8	4/8/02	\$2,607,847.73	\$4,264.48	\$2,612,112.21	\$85,432.27			0	Installation of interior signage, taken from signage allowance (originally anticipated)

Exhibit A

**General Obligation Bond Oversight Committee  
Change Order Report - May 2004**

<b>Project</b>	<b>CO #</b>	<b>Date of Approval</b>	<b>Original Contract Amount</b>	<b>Change Order Amount</b>	<b>Revised Contract Amount</b>	<b>Remaining Contingency</b>	<b>% of Project Complete (approx.)</b>	<b>Contract Amount Remaining to be Paid</b>	<b># of Days</b>	<b>Purpose</b>
Flamingo Pool	9	4/30/02	\$2,612,112.21	\$17,874.42	\$2,629,986.63	\$67,557.85		\$	+24	furnish/install anchors for swim lines, install 5 umbrella anchors, install electrical conduit/wires and panels for night lighting system
Group A & B Parks										
Island View Park - Ph II	1	1/9/02	\$123,453.48	(\$29,330.00)	\$94,123.48	\$62,348.00	20%			Removal of Shade Pavilion from Scope of Services (at City's request)
All Parks	2	1/28/02	\$94,123.48	\$30,060.00	\$124,183.48	\$28,268.18	30%			Removal of concrete slab at Island View tot lot, upgrade to galvanized steel fencing with electrostatic paint
All Parks	3	3/1/02	\$124,183.48	\$8,703.66	\$132,887.14	\$19,564.52	75%			Addition of columns to fencing, relocation of column, addition of 43 linear feet of fencing to accommodate existing tree route systems
All Parks	4	3/1/02	\$132,887.14	\$0.00	\$132,887.14	\$19,564.52	75%		+45	Time extension due to delay of construction start to accommodate ongoing programming at parks
Crespi Park	5	5/15/02	\$132,887.14	\$6,136.00	\$139,023.14	\$13,428.52	90%	\$	0	Installation of specially fabricated sections of fencing to avoid conflict with tree root systems
Island View Park	1	8/4/99	\$192,053.48	\$1,775.79	\$193,829.27					Replace underground pipe for electric service to 2 existing lights
Island View Park	2	12/29/99	\$193,829.27	\$4,044.04	\$197,873.31	\$8,703.16	36%	\$	0	Removal of Basketball Court & restoration of area
Marseilles Drive	1	5/19/03	\$1,356,913.00	\$18,613.00	\$1,375,526.00	\$117,078.00	35%		8	Change elevation to drainage structures and pipes.
Marseilles Drive	2	5/19/03	\$1,375,526.00	(\$756.00)	\$1,374,770.00	\$117,834.00	35%		0	Credit for use of a less expensive water pipe material.
Marseilles Drive	3	5/19/03	\$1,374,770.00	\$3,957.00	\$1,378,727.00	\$113,877.00	35%		2	Use of a different material and type for all curb and gutter inlet frames and grates.
Marseilles Drive	4	7/24/03	\$1,378,727.00	\$18,240.00	\$1,396,967.00	\$95,637.00	40%		5	Additional 2" layer of asphalt requested by the Public Works Dept.
Marseilles Drive	5	7/24/03	\$1,396,967.00	(\$4,000.00)	\$1,392,967.00	\$99,637.00	40%		0	Credit for reduced drainage well depth.
Marseilles Drive	6	7/24/03	\$1,392,967.00	\$5,056.00	\$1,398,023.00	\$94,581.00	40%		2	Resolution of a conflict with a water main pipe at Rue Versailles.
Marseilles Drive	7	7/24/03	\$1,398,023.00	\$0.00	\$1,398,023.00	\$94,581.00	40%		4	Additional days for document discrepancies.
Marseilles Drive	8	7/24/03	\$1,398,023.00	\$0.00	\$1,398,023.00	\$94,581.00	40%		1	Additional rain delay.
Marseilles Drive	9	7/24/03	\$1,398,023.00	\$0.00	\$1,398,023.00	\$94,581.00	40%		16	Delay due to FDOT lane closure permit.
Marseilles Drive	10	8/12/03	\$1,398,023.00	\$17,200.00	\$1,415,223.00	\$77,381.00	55%		6	Re-routing of water main pipe at Normandy and Rue Notre Dame to avoid conflict with existing gas main and storm sewer pipe.
Marseilles Drive	11	8/12/03	\$1,415,223.00	\$3,802.00	\$1,419,025.00	\$73,579.00	55%		2	Replacement of existing sanitary sewer pipe at Bay Drive and Marseilles.
Marseilles Drive	12	8/12/03	\$1,419,025.00	\$6,080.00	\$1,425,105.00	\$67,499.00	55%		0	Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Versailles.
Marseilles Drive	13	8/12/03	\$1,425,105.00	\$6,080.00	\$1,431,185.00	\$61,419.00	55%		0	Additional 2" layer of asphalt requested by the Public Works Dept. at Rue Notre Dame.
Marseilles Drive	14	8/12/03	\$1,431,185.00	\$2,622.00	\$1,433,807.00	\$58,797.00	55%		6	Removal of 95 Ft. of existing curb and gutter and replacement with new valley gutter. Removal of existing grate and replacement at different location due to a change in design at an intersection.

**Bolded items** reflect Change Orders that have occurred since the last General Obligation Bond Oversight Committee meeting.

**General Obligation Bond Oversight Committee  
Change Order Report - May 2004**

<b>Project</b>	<b>CO #</b>	<b>Date of Approval</b>	<b>Original Contract Amount</b>	<b>Change Order Amount</b>	<b>Revised Contract Amount</b>	<b>Remaining Contingency</b>	<b>% of Project Complete (approx.)</b>	<b>Contract Amount Remaining to be Paid</b>	<b># of Days</b>	<b>Purpose</b>
Marseilles Drive	15	8/12/03	\$1,433,807.00	\$1,437.00	\$1,435,244.00	\$57,360.00	55%		1	Added traffic control loop at Rue Versailles and Normandy Drive.
Marseilles Drive	16	8/12/03	\$1,435,244.00	\$5,060.00	\$1,440,304.00	\$52,300.00	55%		5	Existing tree removal at Rue Notre dame due to line of sight.
Marseilles Drive	17	8/12/03	\$1,440,304.00	\$4,613.00	\$1,444,917.00	\$47,687.00	55%		2	Additional storm drainage structure.
Marseilles Drive	18	12/19/03	\$1,444,917.00	\$1,320.00	\$1,446,237.00	\$46,367.00	85%		7	Electrical Service for Irrigation Controller.
Marseilles Drive	19	12/19/03	\$1,446,237.00	\$0.00	\$1,446,237.00	\$46,367.00	85%		0	This Change Order was voided because the CMB declined to install additional street light at Cul-De-Sac.
Marseilles Drive	20	12/19/03	\$1,446,237.00	(\$179.00)	\$1,446,058.00	\$46,546.00	85%		0	Credit for replacing 1#5 Re-Bar wit a # 3 Re-Bar.
Marseilles Drive	21	12/19/03	\$1,446,058.00	\$11,539.75	\$1,457,597.75	\$35,006.25	85%		10	Re-Construct Rue Versailles to conform revised elevations.
Marseilles Drive	22	12/19/03	\$1,457,597.75	\$21,793.75	\$1,479,391.50	\$13,212.50	85%		38	To install new drainage system along Marseille Drive, Labor and equipment
Marseilles Drive	23	12/19/03	\$1,479,391.50	\$3,474.00	\$1,482,865.50	\$9,738.50	85%		0	To install new drainage system along Marseille Drive, material.
Marseilles Drive	24	12/19/03	\$1,482,865.50	(\$438.00)	\$1,482,427.50	\$10,176.50	85%		0	Credit to the CMB for 2-1/2" water meter of Irrigation system.
Marseilles Drive	25	12/19/03	\$1,482,427.50	\$1,716.00	\$1,484,143.50	\$8,460.50	85%		3	Installation of irrigation main line from STA 7+00 to STA 8+10
Marseilles Drive	26	12/19/03	\$1,484,143.50	\$0.00	\$1,484,143.50	\$8,460.50	85%		2	16" water main tied in, Change Order for 2 additional days only.
Marseilles Drive	27	1/7/04	\$1,484,144.75	(\$11,796.00)	\$1,472,348.40	\$20,256.50	90%		0	Deleted work at Cul-De-Sac of Rue Notre Dame.
Marseilles Drive	28	1/7/04	\$1,472,348.40	(\$5,534.50)	\$1,466,813.90	\$25,791.00	90%		3	Deleted Landscape work at Rue Versailles & N. Drive.
Marseilles Drive	29	1/7/04	\$1,466,813.90	(\$1,055.00)	\$1,465,758.90	\$26,846.00	90%		0	Deleted Landscape work at Rue Notre Dame & N. Drive.
Marseilles Drive	30	1/7/04	\$1,465,758.90	\$400.00	\$1,465,358.90	\$26,446.00	90%		1	Additional Sidewalk at East side of R. Notre Dame & N. Drive.
Marseilles Drive	31	1/7/04	\$1,465,358.90	\$622.00	\$1,466,820.90	\$25,784.00	90%		0	Additional Pictures for August, September & October.
Marseilles Drive	32	1/7/04	\$1,466,820.90	\$495.00	\$1,467,315.90	\$25,289.00	90%		1	To Replace Irrigation Backflow Preventer
Marseilles Drive	33	1/7/04	\$1,467,315.90	\$0.00	\$1,467,315.90	\$25,289.00	90%		12	Additional Time for Landscaping, Marking due to Water Meter
Marseilles Drive	34	1/7/04	\$1,467,315.90	\$550.00	\$1,467,865.90	\$24,739.00	90%		2	Repair Brick Pavers at East & West side of Rue Versailles & N. Drive.
Marseilles Drive	35	1/7/04	\$1,467,865.90	\$0.00	\$1,467,865.90	\$24,739.00	90%		6	Additional Time for the Last Lift of Asphalt along Marseille.
Marseilles Drive	36	1/7/04	\$1,467,865.90	\$3,057.00	\$1,470,922.90	\$21,682.00	95%	\$159,614.97	18	Modification to Service Track plus installation of Electric Meter Can
Normandy Isle Park and Pool	1	9/10/02	\$2,264,000.00	\$1,708.00	\$2,265,708.00	\$218,004.00	0.05%		0	Reimbursement for payment for Removal of FPL facilities from Pool Building
Normandy Isle Park and Pool	2	9/10/02	\$2,265,708.00	\$0.00	\$2,265,708.00	\$218,004.00	0.05%		84	Time delay related to waiting for relocation of County and FDOT facilities
Normandy Isle Park and Pool	3	3/10/03	\$2,265,708.00	\$1,078.00	\$2,266,786.00	\$216,926.00	0.05%		0	Additional work to dig test pits
Normandy Isle Park and Pool	4	12/10/02	\$2,266,786.00	\$179,000.00	\$2,445,786.00	\$37,926.00	1.00%		0	To reinstate the piling foundation system and concrete deck previously removed during value engineering
Normandy Isle Park and Pool	5	10/7/03	\$2,445,786.00	\$0.00	\$2,445,786.00	\$37,926.00	25%		102	Approved additional 102 days due to negotiations related with the pool deck.



**General Obligation Bond Oversight Committee  
Change Order Report - May 2004**

<b>Project</b>	<b>CO #</b>	<b>Date of Approval</b>	<b>Original Contract Amount</b>	<b>Change Order Amount</b>	<b>Revised Contract Amount</b>	<b>Remaining Contingency</b>	<b>% of Project Complete (approx.)</b>	<b>Contract Amount Remaining to be Paid</b>	<b># of Days</b>	<b>Purpose</b>
Normandy Isle Park and Pool	6	12/3/03	\$2,445,786.00	\$15,864.98	\$2,461,650.98	\$37,926.00	35%		15	P&R Requested modifications and additions to contract.
Normandy Isle Park and Pool	7	1/14/04	\$2,461,650.98	\$23,488.75	\$2,485,139.73	\$37,926.00	35%		0	To install additional floor drains, Demolish & disposal existing Playground, installing P.V.C. for irrigation, Changes along deck level.
Normandy Isle Park and Pool	8	3/8/04	\$2,485,139.73	\$0.00	\$2,485,139.73				53	Additional 53 days to Contract time due to expired pool permits plan re-processing.
Normandy Isle Park and Pool	9	3/8/04	\$2,485,139.73	\$12,320.41	\$2,497,460.14	\$128,315.60	47%	\$1,214,304.14	0	Installation of additional underground primary and secondary electrical conduits and wiring and relocation of FPL electrical transformer.
North Shore Open Space Park - Phase II	1	10/15/02	\$361,651.00	\$300.00	\$361,951.00	\$40,265.00	25%		0	Demolish and dispose two (2) existing vita course stations (not included in original scope)
North Shore Open Space Park - Phase II	2	10/28/02	\$361,951.00	\$1,477.00	\$363,428.00	\$38,788.00	28%		0	Installation of 2 4" sleeves at three locations under the newly installed 15' wide pathway
North Shore Open Space Park - Phase II	3	11/14/02	\$363,428.00	\$2,642.71	\$366,070.71	\$36,145.29	30%		0	re-grading of the areas of the old guard house and along the existing pathway in order to allow a smoother grade/transition
North Shore Open Space Park - Phase II	4	11/14/02	\$366,070.71	\$199.03	\$366,269.74	\$35,946.26	30%		0	Deletion of Asphalt Striping and addition of 1" of asphalt from 79th Street to 81st Street as a means of reinforcing surfacing for anticipated heavy traffic
North Shore Open Space Park - Phase II	5	5/19/03	\$366,269.74	(\$6,770.40)	\$359,499.34	\$42,716.66	100%	\$ -	0	Credit for 7,440 square feet of defective asphalt.
North Shore Park and Youth Center	1	4/11/02	\$5,659,357.00	\$6,000.00	\$5,665,357.00	\$307,168.00	3%			To hire a locator service to locate and identify underground utilities
North Shore Park and Youth Center	2	4/29/02	\$5,665,357.00	\$4,480.00	\$5,669,837.00	\$302,688.00	5%			To dispose of sports lighting poles and selected foundations (Park Portion)
North Shore Park and Youth Center	3	4/29/02	\$5,669,837.00	\$12,086.00	\$5,681,923.00	\$290,602.00	5%			To provide separate electrical meter services for the Tennis Center as requested by the Parks & Rec. Dept. (Park Portion)
North Shore Park and Youth Center	4	8/5/02	\$5,681,923.00	\$89,776.00	\$5,771,699.00	\$290,602.00	11%		0	To include value engineered items back in the project: different locker construction, alternate door construction and size, alternate wood gymnasium floors and construction of 2 additional tennis courts (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds.
North Shore Park and Youth Center	5	8/5/02	\$5,771,699.00	\$321,526.00	\$6,093,225.00	\$290,602.00	11%		0	To include sport lighting for the project (originally anticipated). Funded through GO Bond funds reallocated after addition of CDBG funds.
North Shore Park and Youth Center	6	8/9/02	\$6,093,225.00	\$61,965.00	\$6,155,190.00	\$228,637.00	15%		0	To provide 6 storm drain retention tanks to meet DEP requirements.
North Shore Park and Youth Center	7	8/21/02	\$6,155,190.00	\$21,076.00	\$6,176,266.00	\$207,561.00	18%		0	To relocate the and upgrade the existing FPL Transformer
North Shore Park and Youth Center	8	10/24/02	\$6,176,266.00	\$10,939.00	\$6,187,205.00	\$196,622.00	30%		24	Relocation of 5 pigeon plums as requested by DERM and additional exit lights within the Tennis Center as requested by The Building Department

**General Obligation Bond Oversight Committee  
Change Order Report - May 2004**

<b>Project</b>	<b>CO #</b>	<b>Date of Approval</b>	<b>Original Contract Amount</b>	<b>Change Order Amount</b>	<b>Revised Contract Amount</b>	<b>Remaining Contingency</b>	<b>% of Project Complete (approx.)</b>	<b>Contract Amount Remaining to be Paid</b>	<b># of Days</b>	<b>Purpose</b>
North Shore Park and Youth Center	9	11/13/02	\$6,187,205.00	\$38,872.00	\$6,226,077.00	\$196,622.00	38%		0	Additional 2 clay tennis courts for total of 12 courts. Funding came from North Beach Quality of Life/Resort Tax Fund
North Shore Park and Youth Center	10	1/8/03	\$6,226,077.00	\$1,403.00	\$6,227,480.00	\$195,219.00	50%		108	Cost for stand alone fire alarm system for Tennis Center (\$7,830), credit for changes to main sewer line (-\$2,027.52), and raising top of footing elevation at Youth Center and Gymnasium (-\$4,400)
North Shore Park and Youth Center	11	1/8/03	\$6,227,480.00	\$11,447.00	\$6,238,927.00	\$183,772.00	50%		0	Additional exit signs for Tennis Center (\$1,857) and reconfiguration of storm drainage system (9,590)
North Shore Park and Youth Center	12	1/8/03	\$6,238,927.00	\$28,548.00	\$6,267,475.00	\$155,224.00	50%		0	Additional data services requested by owner, upgrade of window color, and location of a drain at practice tennis court
North Shore Park and Youth Center	13	2/14/03	\$6,267,475.00	\$6,272.00	\$6,273,747.00	\$148,952.00	55%			Additional phone conduit & receptacle (owner request), concrete pad for FPL electric transformer, and structural change to support A/C ducts in Gym north wall
North Shore Park and Youth Center	14	5/19/03	\$6,273,747.00	\$30,464.00	\$6,304,215.00	\$136,242.00	75%		0	1. Provision of gypsum drywall ceiling for Tennis Center restrooms-\$1,290; 2. Inclusion of Value Eng. Item 16R - \$17,754; 3. Exterior paint color sample -\$237; 4. Removal of trees \$1,881.25; 5. Additional 4" roof drain-\$1,616; 6. Tennis court irrigation line \$3,773; 7. Additional roof insulation-\$1,773.75; 8. Two(2) 2" PVC Duct Bank- \$2,138.60
North Shore Park and Youth Center	15	6/10/03	\$6,304,215.00	\$66,464.00	\$6,370,679.00	\$105,273.00	75%		20	1.Drop ceiling in Tennis Center- \$748; 2. Provision of access ladder to access the roof \$3,333; 3. Construction of 4 dugouts-\$57,502; 4. Installation of additional strobe lights- \$4,881. Additional 20 days was granted for construction of dugouts.
North Shore Park and Youth Center	16	7/15/03	\$6,370,679.00	\$24,045.00	\$6,394,724.00	\$81,228.00	75%		31	1. Relocation of 2 light poles at the Tennis Center \$12,220 - 2. Addition of 6 area drains on the north side of the Tennis court area to introduce an underground drainage system.
North Shore Park and Youth Center	17	7/15/03	\$6,394,724.00	\$7,750.00	\$6,402,474.00	\$73,478.00	75%		10	1. Sidewalk addition to provide access to the entry ramps south of the building - \$7,075; 2. Addition of sprinkler heads requested by Fire Inspector - \$1,753; 3. Credit for deletion of stucco at Youth Center West wall - (\$1,078). Contract time will be increased 10 days for Phase 3 and 31 days for Phase 2.
North Shore Park and Youth Center	18	8/25/03	\$6,402,474.00	\$6,219.00	\$6,408,693.00	\$67,259.00	85%		0	Four picket gates at North and South Entrances not shown on contract documents.
North Shore Park and Youth Center	19	8/25/03	\$6,408,693.00	\$19,298.00	\$6,427,991.00	\$47,961.00	85%		0	Install two rain water scuppers and additional roofing at West Entrance. Enclosure of ductwork a gymnasium.

**General Obligation Bond Oversight Committee  
Change Order Report - May 2004**

<b>Project</b>	<b>CQ #</b>	<b>Date of Approval</b>	<b>Original Contract Amount</b>	<b>Change Order Amount</b>	<b>Revised Contract Amount</b>	<b>Remaining Contingency</b>	<b>% of Project Complete (approx.)</b>	<b>Contract Amount Remaining to be Paid</b>	<b># of Days</b>	<b>Purpose</b>
North Shore Park and Youth Center	20	4/23/04	\$6,427,991.00	\$17,541.00	\$6,445,532.00	\$30,420.00	95%		162	Credit for Underground Utility Exploration from CO #1 (-\$5,760.00), Provide a 4" diam. Water meter (\$14,420.00), Additional Fire Alarm devices as required by Fire Inspection (\$3,413.00), Sign for South Entrance (\$991.00), Removal of trees from West baseball field (\$3,210.00). Additional 162 day time extension for Phase I only. Net Current Days are for Phase I: 320, Phase II: 61, and Phase III: 60.
North Shore Park and Youth Center	21	4/23/04	\$6,445,532.00	\$21,065.00	\$6,466,597.00	\$9,355.00	95%	\$ 794,688.00	15	Interior Paint at Stair 2 (\$1,393.87), Temporary Power Reimbursement to GC (\$4,286.39), Additional fire Sprinkler Valve for Elevator Shaft (\$1,013.73), Electrical Service SE Field Water Fountain (\$1,902.01), Street Cuts North Entrance (\$4,701.33), Water Fountain Backflow Valve (\$636.69), Landscape Credit (-\$1,841.00), Single Phase 220V for Elevator (\$1,597.72), Restroom Vanities Counter Supports (\$1,454.48), Water Fountain ADA Compliance (\$1,491.69). Job Site Security during FTAA as requested by City (\$4,428.00).
Scott Rakow Youth Center	1	1/16/02	\$2,845,700.00	\$47,300.00	\$2,893,000.00	\$0.00	10%		0	Alternates 1, 2 and 4 for Phasing plan, outdoor rubber flooring and landscaping
Scott Rakow Youth Center	2	N/A	\$0.00	\$0.00	\$0.00	\$0.00	0%		0	VOIDED
Scott Rakow Youth Center	3	2/19/02	\$2,893,000.00	\$0.00	\$2,893,000.00	\$0.00	30%		89	89 day time extension
Scott Rakow Youth Center	4	2/19/02	\$2,893,000.00	(\$36,008.00)	\$2,856,992.00	\$0.00	50%		0	Delete elevator and folding partitions
Scott Rakow Youth Center	5	5/21/02	\$2,856,992.00	\$29,700.00	\$2,886,692.00	\$250,000.00	60%		0	Relocate utilities, additional electrical service to ice rink, reroute Bell South underground service
Scott Rakow Youth Center	6	9/24/02	\$2,886,692.00	\$36,008.00	\$2,922,700.00	\$213,992.00	70%		0	Adding back in the elevator and folding partitions
Scott Rakow Youth Center	7	9/24/02	\$2,922,700.00	\$160,594.77	\$3,083,294.77	\$53,397.23	70%		0	Rerouting storm pipe, additional fire devices and fixtures, repairs to broken water main, remobilization for auger cast piles, paint locker room walls and ceilings, relocation of pedestrian crossing signal, repair of BellSouth lines, repair concrete beams, Zamboni water heater, Water Absorption Tank and monitoring system, rerouting conduit, HVAC unit roof frame, delete basketball court floor replacement work, new foundation for north stairs, modifications to roof and roof structure



**General Obligation Bond Oversight Committee**  
**Change Order Report - May 2004**

Project	CO #	Date of Approval	Original Contract Amount	Change Order Amount	Revised Contract Amount	Remaining Contingency	% of Project Complete (approx.)	Contract Amount Remaining to be Paid	# of Days	Purpose
Scott Rakow Youth Center	8	11/8/02	\$3,083,294.77	\$9,306.25	\$3,092,601.02	\$4,166.00 *	80%		0	Installation of louvered door at mechanical room
* Specific costs were paid out of project contingency to FPL, Bell South, PSI Geotechnical, Threshold Inspector. These costs were not paid through the contractor and therefore would not be a part of a change order to the Contractor.										
Scott Rakow Youth Center	9	1/8/03	\$3,092,601.02	(\$21,016.08)	\$3,071,584.94	\$25,182.08	85%		0	Credit for security guard services and ammonia monitoring system. System will be monitored through Fire Alarm panel.
Scott Rakow Youth Center	10	1/8/03	\$3,071,584.94	\$11,844.81	\$3,083,429.75	\$13,337.27	85%		0	Electrical wiring modifications for existing pool and restrooms; furnish and install new light fixture at entrance; furnish and install new 480v/60amp electrical feeder for new water heater and pump at Zamboni room
Scott Rakow Youth Center	11	2/25/03	\$3,083,429.75	\$2,950.11	\$3,086,379.86	\$110,387.16	85%		0	Work required for fire alarm panel relocation, and addition of strobe and horn for ammonia leak detection device. \$100,000 was added to the project contingency.
Scott Rakow Youth Center	12	4/4/03	\$3,086,379.86	\$10,406.70	\$3,096,786.56	\$99,980.46	85%		0	Relocation of electrical equipment, installation of panic hardware at ice rink entrance doors, and automation of ice rink equipment room fan with ammonia detection panel.
Scott Rakow Youth Center	13	6/30/03	\$3,096,786.56	\$39,860.58	\$3,136,647.14	\$60,119.88	90%		0	Installation of new louver and ductwork to maintain fresh air intake at existing mechanical room, installation of new emergency exit lights, new 42" railing at entry ramp area, additional conduit and wiring to connect ice rink equipment room exhaust fan to fire alarm panel.
Scott Rakow Youth Center	14	8/7/03	\$3,136,647.14	(\$4,500.00)	\$3,132,147.14	\$64,619.88	90%	\$580,162.93	0	Credit for deletion of 4-foot concrete sidewalk along Pine Tree Drive.
Tatum Park	1	2/23/00	\$341,518.36	\$50,987.25	\$392,505.61					new basketball court (originally anticipated)
Tatum Park	2	2/23/00	\$392,505.61	\$33,012.05	\$425,517.66	\$4,477.89	81%			sports and security lighting (originally anticipated)
Tatum Park	3	11/1/01	\$425,517.66	(\$1,800.00)	\$423,717.66	\$6,277.89	100%	\$	-	Contractor's portion of Safety Surface Installation

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CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY



**Condensed Title:**

Two (2) Resolutions providing for the re-appointment of Judge Robert H. Newman, upon the recommendation of the City Manager and the City Attorney. One Resolution appoints Judge Newman as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution appoints Judge Newman to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code.

**Issue:**

Shall Judge Robert H. Newman be re-appointed for a term of six months?

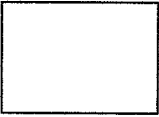
**Item Summary/Recommendation:**

The Administration Recommends approving the Resolution.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Robert E. Parcher, City Clerk

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM C7A  
DATE 5-26-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

Murray Dubbin  
City Attorney

**Subject:** A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH CITY MANAGER CONCERNING APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER, COMMENCING JULY 1, 2004, AND ENDING DECEMBER 31, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF CITY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CITY OF MIAMI BEACH RESOLUTION NO. 98- 22777 CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MASTER.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER CONCERNING THE APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER COMMENCING JULY 1, 2004, AND ENDING DECEMBER 31, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD ADMINISTRATIVE HEARINGS REGARDING APPEALS FROM CITATIONS FOR VIOLATIONS OF MIAMI BEACH CITY CODE CHAPTERS AND REGARDING DENIALS, SUSPENSIONS, AND REVOCATIONS OF OCCUPATIONAL LICENSES AND CERTIFICATES OF USE, AND TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT SUCH HEARINGS PURSUANT TO CITY ORDINANCES.

### **ADMINISTRATION RECOMMENDATION:**

Adopt the Resolutions.

## **ANALYSIS:**

The attached two Resolutions provide for the reappointment by the City Commission of Judge Robert H. Newman. One Resolution appoints Judge Newman as Chief Special Master for Code Enforcement violations under Chapter 30 of the City Code; the other Resolution appoints Judge Newman to hear appeals from citations and violations or denials, suspensions, and revocations of occupational licenses and certificates of use pursuant to Chapter 102 of the Miami Beach City Code.

At the December 11, 2002 City Commission Meeting, the City Commission requested the Administration develop a process to evaluate the Special Masters and referred this item to the Community Affairs Committee (CAC). The Administration, Judge Newman, Chief Special Master, and the Special Masters prepared a "Special Master Complaint Process." See Exhibit "A". At the March 25, 2003 CAC meeting, the CAC endorsed the Special Master Complaint Process. At the April 9, 2003 City Commission Meeting, the City Commission accepted the recommendation of the CAC.

Judge Newman will continue to actively hear cases under Chapters 30 and 102 of the Miami Beach City Code at a rate of One Hundred Dollars (\$100) per hour, with a maximum payment of Five Hundred Dollars (\$500) per hearing session. .

Judge Newman is a retired Senior Judge with over 20 years of active time on the bench. He is an active member of the Florida Bar, in good standing.

Judge Newman's professional activities and associations include:

- Admitted to practice before U.S. Supreme Court
- Commissioner on Miami-Dade County Committee on Ethics and Public Trust
- Chief Land Commissioner for the East Everglades
- Past Secretary for National Board of Trustees, Leukemia Society of America, Inc. and Chairman, Planned Giving Committee and By-Laws Committee
- Past President, Temple Beth Am
- Past Member of the Faculty of Florida New Judges College
- Instructor at Miami-Dade Community College Paralegal Program
- Chief Special Hearing Officer, City of Miami Beach

Judge Newman has the knowledge, skills and abilities, to perform as Chief Special Master. He has served this City with distinction, and his reappointment will best serve the interests of the City. As such, the subject Resolutions should be adopted.

JG:REP:LRM:lm



**JUDGE ROBERT H. NEWMAN (SENIOR JUDGE)**  
**11 ISLAND AVENUE #1811**  
**Miami Beach, Florida 33139**  
**(305) 531-1608**

**EDUCATION:**

Miami Beach High School  
College, University of Miami - 1950  
Law School: University of Miami, J.D. 1952

**MEDIATION/  
NEGOTIATION**

Mediator with Mediation, Inc., a group of former judges  
And experienced trial attorneys providing neutral third  
party intervention to settle major pending litigation  
throughout the U.S.A.

Certified Circuit Court Mediator, State of Florida

**LAW PRACTICE:**

1952-1959 Private Practice  
1959-1961 Assistant State Attorney  
1961-1963 Assistant U.S. Attorney  
1963-1978 Private Practice

**JUDICIAL HISTORY:**

Appointed to the County Court 1978  
Appointed to the Circuit Court 1982  
Administrative Judge Probate & Guardian Division

**PROFESSIONAL ACTIVITIES & ASSOCIATIONS:**

U.S. Supreme Court (Admitted to practice before)  
Chief Land Commissioner for the East Everglades  
Commissioner on Miami-Dade County Committee on Ethics and  
Public Trust  
Former Secretary National Board of Trustees, Leukemia Society of  
America, Inc. and Chairman, Planned Giving Committee and By-  
Laws Committee  
Former President, Temple Beth Am  
Former Member of the Faculty of Florida New Judges College  
Instructor at Dade County Community College Paralegal Program  
Chief Special Hearing Officer, City of Miami Beach

## EXHIBIT "A"

### SPECIAL MASTER COMPLAINT PROCESS

#### 1. **Code of Conduct for Special Master**

##### Judicial Duties in General

The judicial duties of a Special Master take precedence over all the Special Master's other activities. The Special Master's judicial duties include all the duties of the Special Master's office prescribed by law. In the performance of these duties, the following standards apply.

##### Adjudicative Responsibilities

A Special Master shall hear and decide matters assigned to the Special Master.

A Special Master shall be faithful to the law and maintain professional competence in it.

A Special Master shall not be swayed by partisan interests, public clamor or fear of criticism.

A Special Master shall require order and decorum in proceedings before the Special Master.

A Special Master shall be patient, dignified and courteous to litigants, property owners, witnesses, lawyers and others with whom the Special Master deals in an official capacity, and shall require similar conduct of lawyers and of staff, court officials and others subject to the Special Master's direction and control.

##### Commentary

The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Special Masters can be efficient and businesslike while being patient and deliberate. The Special Master shall have the discretion to continue matters which cannot be disposed of within the time allotted by the Clerk.

A Special Master must refrain from speech, gestures or other conduct that could reasonably be perceived as sexual harassment and must require the same standard of conduct of others subject to the Special Master's direction and control.

A Special Master shall perform judicial duties without bias or prejudice. A Special Master shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.

A Special Master must perform judicial duties impartially and fairly. A Special Master who manifests bias on any basis in a proceeding impairs the fitness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication, can give to parties or lawyers in the proceeding, the media and others an appearance of judicial bias. A Special Master must be alert to avoid behavior that may be perceived as prejudicial.

A Special Master shall require lawyers in proceedings before the Special Master to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others.

A Special Master shall accord to every person who has a legal interest in proceedings, or that person's lawyers, the right to be heard according to law. A Special Master shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the Special Master outside the presence of the parties concerning a pending or impending proceeding.

A Special Master may obtain the advice of a disinterested expert on the law applicable to a proceeding before the Special Master if the Special Master gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond.

A Special Master may consult with court personnel whose function is to aid the Special Master in carrying out the Special Master's adjudicative responsibilities or with other Special Masters.

## **2. Complaint Resolution Procedures**

- a. Upon receipt of a complaint, the complainant shall be advised that the complaint shall be filed in writing.
- b. Complaints shall be filed in writing and submitted to the Clerk of the Special Master.
- c. Upon receipt of the written complaint, within two (2) business days, the Clerk of the Special Master shall forward the original to Chief Special Master and a copy to the Special Master against whom the complaint was filed.
- d. The Chief Special Master shall review the complaint.
- e. Within ten (10) calendar days, the Special Master against whom the complaint was filed, if so chooses, shall submit to the Chief Special Master a response to the complaint.



- f. The Chief Special Master shall review the response, the complaint and any all other information available regarding the complaint.
- g. Upon a thorough review of the all information regarding the complaint, the Chief Special Master shall discuss the findings with the Special Master against whom the complaint was filed.
- h. Within 30 calendar days, upon receipt of the complaint, the Chief Special Master shall submit a final report of its findings to the Mayor and City Commission, the City Attorney, City Manager, the Complainant, and the Special Master.
- i. Appropriate sanctions shall be taken, if necessary, against the Special Master.

### **3. Chief Special Master**

Maintain the same language with the following provisions:

- a. If the complaint is filed against the Chief Special Master, upon receipt of the complaint by the Clerk of the Special Master, the complaint shall be forwarded to the City Manager and the City Attorney.
- b. Within seven (7) days of receipt of the complaint by the City Manager and/or City Attorney, a Mediator shall be appointed by the City Manager and the City Attorney and provided a copy of the complaint.
- c. If the complaint is filed against the Chief Special Master, all references to the Chief Special Master shall be substituted with a Mediator appointed by the City Manager and City Attorney and the Special Master shall be substituted with the Chief Special Master.

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE MIAMI BEACH CITY MANAGER CONCERNING APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER, COMMENCING JULY 1, 2004, AND ENDING DECEMBER 31, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD HEARINGS AND IMPOSE FINES, LIENS AND OTHER NON-CRIMINAL PENALTIES AGAINST VIOLATORS OF CITY CODES AND ORDINANCES, AND SHALL ALSO BE AUTHORIZED TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT THE SUBJECT HEARINGS; INCORPORATING ALL OTHER MATTERS SET FORTH WITHIN CITY OF MIAMI BEACH RESOLUTION NO. 98- 22777 CONCERNING THE COMPENSATION AND DUTIES OF THE CHIEF SPECIAL MASTER.**

**BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:**

**WHEREAS,** in Miami Beach City Code Chapter 30, Section 30-2 governing "Code Enforcement" was amended to provide for an alternative code enforcement system wherein Special Masters were authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City Codes and Ordinances; and

**WHEREAS,** in Miami Beach City Code Chapter 30, Section 30-36, entitled "Appointment of Chief Special Master;" a provision was made for the appointment of a Chief Special Master to fulfill the above referenced duties, with the authority to appoint such other Special Masters as reasonably required to conduct said hearings; appointment of the Chief Special Master is established upon the Miami Beach City Commission's acceptance by a majority vote of the Miami Beach City Manager's recommendation for appointment; and

**WHEREAS,** the City Manager of the City of Miami Beach hereby recommends reappointment of Judge Robert Newman to fill the position of Chief Special Master for the City of

Miami Beach; and

**WHEREAS**, all other matters set forth within City of Miami Beach Resolution No. 98-22777 with regards to limitation on compensation to be paid to the Chief Special Master, as well as other duties of the Chief Special Master shall remain in effect for a six month term commencing July 1, 2004, and ending December 31, 2004, or until a successor has been appointed.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby accept the recommendation of the Miami Beach City Manager concerning reappointment of Judge Robert Newman to serve as Chief Special Master pursuant to Miami Beach City Code Chapter 30 entitled "Code Enforcement", said Chief Special Master to be authorized to hold hearings and impose fines, liens and other non-criminal penalties against violators of City Codes and Ordinances and further authorized to appoint such other Special Masters as may be reasonably required to conduct the subject hearings; and that all other matters set forth within City of Miami Beach Resolution No. 98-22777 concerning the compensation of the Chief Special Master as well as other duties of the Chief Special Master serving as Special Master are incorporated herein and shall remain in effect for a six month term commencing July 1, 2004, and ending December 31, 2004, or until a successor has been appointed.

**PASSED and ADOPTED** this 9<sup>th</sup> day of June, 2004.

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 5-11-04  
Date



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA ACCEPTING THE RECOMMENDATION OF THE CITY MANAGER CONCERNING THE APPOINTMENT OF JUDGE ROBERT NEWMAN TO SERVE AS CHIEF SPECIAL MASTER COMMENCING JULY 1, 2004, AND ENDING DECEMBER 31, 2004, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED, WHO SHALL BE AUTHORIZED TO HOLD ADMINISTRATIVE HEARINGS REGARDING APPEALS FROM CITATIONS FOR VIOLATIONS OF MIAMI BEACH CITY CODE CHAPTERS AND REGARDING DENIALS, SUSPENSIONS, AND REVOCATIONS OF OCCUPATIONAL LICENSES AND CERTIFICATES OF USE, AND TO APPOINT SUCH OTHER SPECIAL MASTERS AS MAY REASONABLY BE REQUIRED TO CONDUCT SUCH HEARINGS PURSUANT TO CITY ORDINANCES.**

**WHEREAS**, pursuant to City of Miami Beach Ordinances, upon prior recommendation of the City Manager, the City Commission by a majority vote may appoint a Chief Special Master who shall be authorized to hold hearings and impose fines, liens, and other non-criminal penalties against violations of City Ordinances, and who shall be authorized to hear appeals from citations for violations of Miami Beach City Code provisions and to conduct hearings regarding denials, suspensions and revocations of occupational licenses and certificates of use, and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings pursuant to City Ordinances; and

**WHEREAS**, the use of Special Masters under the direction of a Chief Special Master has proven to be an expeditious, cost effective and fair means of adjudicating issues relating to code violations; and

**WHEREAS**, the City Manager has recommended the reappointment of Judge Robert Newman as the Chief Special Master for a six month term commencing July 1, 2004, and ending December 31, 2004, or until a successor has been appointed.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the City Commission hereby accepts the recommendation of the City Manager, and re-appoints Judge Robert Newman to serve as Chief Special Master, for a six month term commencing July 1, 2004, and ending December 31, 2004, or until a successor has been appointed, who shall be authorized to hold hearings and impose fines, liens and non-criminal penalties against violators of City Ordinances and who shall be authorized to hear appeals from citations for violations of Miami Beach City Code provisions and to conduct hearings regarding denials, suspensions and revocations of occupational licenses and certificates of use and who shall also be authorized to appoint such other Special Masters as may reasonably be required to conduct such hearings as may be required pursuant to City Ordinances.

**PASSED and ADOPTED** this 9<sup>th</sup> day of June, 2004.

**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

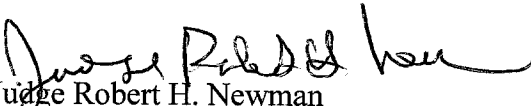
5-12-04  
Date

May 20, 2004

Jorge M. Gonzalez, City Manager  
Murray Dubbin, City Attorney

This is to advise you that during the last six months, two Special Master complaints were filed with the Special Master office. Attached please find the disposition.

Very truly yours,

  
Judge Robert H. Newman  
Chief Special Master

Attachments

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139



CLERK OF THE SPECIAL MASTER

TELEPHONE: (305) 673-7181  
FAX: (305) 673-7182

DATE: January 15, 2004

FROM: Chief Special Master Judge Robert H. Newman

TO: Mayor David Dermer  
Vice-Mayor Jose Smith  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Richard L. Steinberg  
City Manager Jorge M. Gonzalez  
City Clerk Robert E. Parcher  
City Attorney Murray H. Dubbin  
Special Master Eunice L. Martin  
Mr. Michael Stern

SUBJECT: Complaint against Special Master Eunice L. Martin  
Special Master Case JC03000670, 1930 Calais Drive

---

Pursuant to Resolution No. 2003-25226, on June 11, 2003 the City Commission approved the "Special Master Complaint Process."

On January 13, 2004, a complaint was received in the Special Master office from Mr. Michael Stern, contractor for the property located at 1930 Calais Drive, Miami Beach. The complaint was against Special Master Eunice L. Martin regarding the conduct of Special Master Martin at the hearing of December 11, 2003 for code violations filed by the Code Compliance Division against 1930 Calais Drive.

I reviewed all file records of the case, listened to the tape recording of the hearing and reviewed the written response provided by Special Master Martin.

Based upon all of the evidence reviewed, I find that Special Master Martin followed proper procedure and acted according to the code of ethics dictated by the "Special Master Complaint Process".

Attachments: Complaint  
Response

F:\CLERK\ALL\LISA\JC03000670.doc



The Stern Companies Inc.  
6538 Collins Avenue # 211  
Miami Beach, Florida 33140  
CBC-060071  
305-864-5757

JCO3000670

January 13, 2004

Received  
1/13/04  
L. Mark

Chief Special Master  
Judge Robert H. Newman  
1700 Convention Center Drive  
Miami Beach, Florida 33139

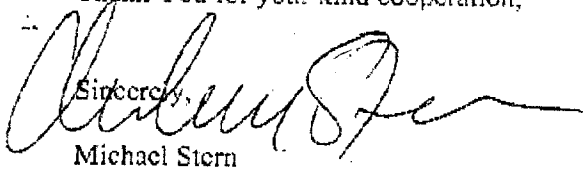
Dear Judge Newman,

I recently attended a Special Master hearing on December 11<sup>th</sup> 2003 at the request of Mr Antonio Santos the property owner of 1930 Calais drive Miami Beach. At this hearing I proceeded to explain to the Special Master ( Eunice Martin) the particulars regarding the above referenced case. During my attempts to clarify the situation with Ms. Martin she became angry and accused me of Chastising her for some reason. I find it extremely frustrating as a long time resident of the city of Miami Beach to be attacked by Ms. Martin. This is not the first time that I have had the opportunity to present a case before Ms. Martin and frankly speaking it would not be the first time that she rolled her eyes as if I was not being honest with her. I have seen her on other occasions talking to the same people that pay her salary as if they were criminals. This type of behavior by a special master is totally unacceptable and should not be tolerated by anyone.

With the thought in mind that you are a very busy person, I do not want to bother you any further , I am however asking you to please take the time to investigate this matter. I personally am requesting that she recuse herself from any cases I may have come before the special master as I do not want to be treated in that fashion.

Thank You for your kind cooperation,

Sincerely,

  
Michael Stern  
The Stern Companies Inc.

**LAW OFFICE OF EUNICE L. MARTIN, P.A.**

**13899 Biscayne Blvd.**

**Suite 137**

**Miami, Fl. 33181**

**(305) 341-3544**

**(305) 341-3504 FAX**

*Received  
1/15/04  
lem*

January 15, 2004

**HAND DELIVERED**

The Honorable Robert Newman, Chief Special Master  
Office of the Special Master  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Fl. 33139

Re: **COMPLAINT FROM VIOLATOR RECEIVED 1/13/04**  
**AND PROVIDED TO ME ON 1/14/04, JC03000670**

Dear Judge Newman:

I do not specifically remember the case heard on December 11, 2003, involving the Complaint. Mr. Stern is making specific allegations in his Complaint as to his treatment by me which can be corroborated or disproved by reviewing the audio tape. I do not have any personal grievance against Mr. Stern, in fact I do not remember him or his case.

Thank you for your assistance and consideration herein.

Sincerely,

  
EUNICE L. MARTIN, ESQ.

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FLORIDA 33139



CLERK OF THE SPECIAL MASTER

TELEPHONE: (305) 673-7181  
FAX: (305) 673-7182

DATE: January 9, 2004

FROM: Chief Special Master Judge Robert H. Newman

TO: Mayor David Dermer  
Vice-Mayor Jose Smith  
Commissioner Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Richard L. Steinberg  
City Manager Jorge M. Gonzalez  
City Clerk Robert E. Parcher  
City Attorney Murray H. Dubbin  
Special Master Eunice L. Martin  
Mr. Babak Raheb

SUBJECT: Complaint against Special Master Eunice L. Martin  
Special Master Case J04F000102, Five Star Cleaners, 6540 Collins Avenue

Pursuant to Resolution No. 2003-25226, on June 11, 2003 the City Commission approved the "Special Master Complaint Process."

On December 8, 2003 a complaint was received in the Special Master office from Mr. Babak Raheb, owner of the business Five Star Cleaners, located at 6540 Collins Avenue, Miami Beach. The complaint was against Special Master Eunice L. Martin regarding the conduct of Special Master Martin at the hearing of December 4, 2003 for fire violations filed by the Fire Department against Five Star Cleaners.

I reviewed all file records of the case, listened to the tape recording of the hearing and spoke with Special Master Martin.

Based upon all of the evidence reviewed, I concluded that the allegation against Special Master Martin is unfounded. Special Master Martin followed proper procedure and acted according to the code of ethics dictated by the "Special Master Complaint Process".

Based on the above mentioned facts and evidence, Mr. Raheb's request for a rehearing is denied.

Att: Copy of complaint letters

TO: Honorable Judge Newman. Chief Special Master.

From: Robert Rahn, Firestarcher.

6540 Collins Ave, # J4F000107.

Re: Report a hearing to Remove Rahn and his

Your Honor: on Dec 8 I had requested a change of Special Master and new hearing, since both City Fire Rep died under oath, since then. Officer Thorpe of Fire Department has filed a false Affidavit of non compliance. I now would like to request a hearing before you, so you could examine video evidence, which will cause Perjury charges against the Fire Department official.

RECEIVED

DEC 31 2003

CLERK OF  
THE SPECIAL MASTER

Thank You  
Robert Rahn

12/30/03



RECEIVED

DEC 09 2003

CLERK OF  
THE SPECIAL MASTER

TO: Honorable Judge Norman  
Chief Special Master  
From: Bruce Roberts  
#00000102  
Firestorm

Re: change of special master

Your Honor: On 12/04/2003, I had a case before special master  
meeting, which is to continue on 12/18/2003. In my opinion, however,  
I would like to ask you to remove me from the  
my case. Her total bias toward me and disregard to my  
first amendment right of free speech, her total disregard for  
she has and disrespecting me and her total unprofessional way she  
conducted herself by acting more like a dictator than a  
a special master. I also am considering filing a complaint  
with Florida bar association in regard to her conduct.  
Therefore by sending this request, it is not proper for her  
to hear my case. Thank you.

12/08/03

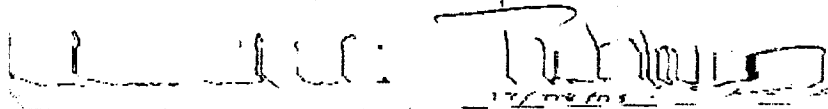
Bruce Roberts

TO: Honorable Judge Newman / special master.  
 chief special master  
 city of miami beach.  
 from: Bubak Pakes.

#04F000102  
 Firestormers

Re: change of special master

Your Honor: On 12/04/2003, I had a case before special master martin, which is to continue on 12/18/2003. In my opinion shows bias. I would like to ask you to remove miss martin from my case. Her total bias toward me and disregard to my 1st amendment right of free speech, her total disregard for she has and codesigning him and her total unprofessional way she conducted herself by acting more like a dictator than my opinion special master. I also am considering filing a complaint with Florida bar association in regard to her conduct. Therefore by sending this request, it is not proper for her



RECEIVED

DEC 08 2003

CLERK OF  
 THE SPECIAL MASTER

**LAW OFFICE OF EUNICE L. MARTIN, P.A.**  
**13899 Biscayne Blvd.**  
**Suite 137**  
**Miami, Fl. 33181**  
**(305) 341-3544**  
**(305) 341-3504 FAX**

---

December 18, 2003

**HAND DELIVERED**

The Honorable Robert Newman, Chief Special Master  
Office of the Special Master  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, Fl. 33139  
Re: **COMPLAINT FROM VIOLATOR RECEIVED 12/09/03**  
**AND PROVIDED TO ME ON 12/11/03**

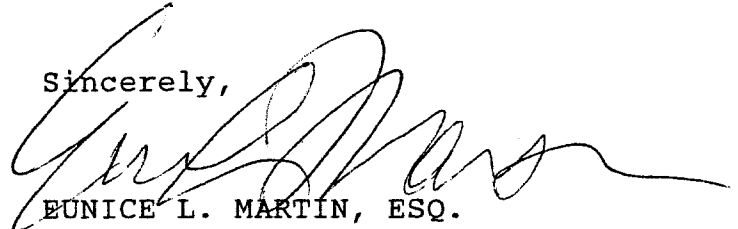
Dear Judge Newman:

I found it difficult to read the complaint, due to the illegible handwriting. It appears that the violator is claiming bias among other things. A review of the record of the hearing will reveal no basis for the complaint.

Thank you for your assistance and consideration herein.

RECEIVED  
DEC 18 2003  
CLERK OF  
THE SPECIAL MASTER

Sincerely,

  
EUNICE L. MARTIN, ESQ.

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CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY



**Condensed Title:**

Setting of Public Hearing – Pursuant to Miami Beach City Code Section 118-262, to review a Design Review Board decision requested by several unit owners of the Marlborough House Condominium (DRB File No. 17373)

**Issue:**

Pursuant to Miami Beach City Code Section 118-262, the Administration is requesting that the Mayor and City Commission schedule a Public Hearing on July 7, 2004 to review a decision of the Design Review Board pertaining to a request by several unit owners of the Marlborough House Condominium pertaining to DRB File No. 17373.

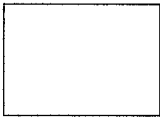
**Item Summary/Recommendation:**

Adopt the Resolution scheduling a Public Hearing on July 7, 2004.

**Advisory Board Recommendation:**

The Design Review Board denied the request on April 20, 2004.


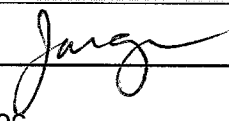
**Financial Information:**

Source of Funds:   Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

R. Parcher

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

T:\AGENDA\2004\May2604\Consent\Marlborough House Summary.doc

AGENDA ITEM C7B  
DATE 5-26-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING PURSUANT TO MIAMI BEACH CITY CODE SECTION 118-262, TO REVIEW A DESIGN REVIEW BOARD DECISION REQUESTED BY SEVERAL UNIT OWNERS OF THE MARLBOROUGH HOUSE CONDOMINIUM PERTAINING TO DRB FILE NO. 17373.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

On April 20, 2004, the Design Review Board (DRB) denied a request by several unit owners of the Marlborough House Condominium (DRB File No. 17373) for a rehearing and confirmed its approval of the application of the Marlborough House Condominium Association to replace concrete balcony railings with balconies with glass and aluminum frames on a portion of the building.

On May 3, 2004, the applicant, Mercedes Rodriguez, unit owner, represented by Mr. W. Tucker Gibbs, Attorney at Law, filed a request to have the Design Review Board decision reviewed by the City Commission, pursuant to Section 118-262 of the Miami Beach Code (letter attached).

The Design Review Section of the Miami Beach Code allows "the applicant" to seek "review" of any Design Review Board Order by the City Commission.

Pursuant to Section 118-262 of the Miami Beach Code, the review by the City Commission is not a "de novo" hearing. It must be based upon the record of the hearing before the Design Review Board. Furthermore, Section 118-262 (b) states the following:

In order to reverse, or remand for amendment, modification or rehearing any decision of the Design Review Board, the City Commission shall find that the Design Review Board did not do one of the following:

- 1) provide procedural due process
- 2) observe essential requirements of law, or

3) base its decision upon substantial, competent evidence.

In order to reverse or remand a decision of the DRB, a 5/7<sup>th</sup> vote of the City Commission is required.

### **CONCLUSION**

The Administration recommends, based on the 15-day notice requirement, that the City Commission set a public hearing on July 7, 2004 to review a decision of the Design Review Board pertaining to DRB file No. 17373.

JMG/REP

T:\AGENDA\2004\May2604\Consent\Marlborough House Memo.doc

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, SETTING A PUBLIC HEARING PURSUANT TO MIAMI BEACH CITY CODE SECTION 118-262, TO REVIEW A DESIGN REVIEW BOARD DECISION REQUESTED BY SEVERAL UNIT OWNERS OF THE MARLBOROUGH HOUSE CONDOMINIUM PERTAINING TO DRB FILE NO. 17373.**

**WHEREAS**, a process for review by the Mayor and City Commission of decisions rendered by the Design Review Board when requested by an applicant or any affected person has been established under Section 118-262 of the Miami Beach City Code; and

**WHEREAS**, the Design Review Board (DRB), On April 20, 2004, denied a request by several unit owners of the Marlborough House Condominium (DRB File No. 17373) for a rehearing and confirmed its approval of the application of the Marlborough House Condominium Association to replace concrete balcony railings with balconies with glass and aluminum frames on a portion of the building; and

**WHEREAS**, the several unit owners of the Marlborough House Condominium have appealed such decision to the City Commission by timely filing a request for such review.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby schedule a Public Hearing on July 7, 2004 to consider the review of a Design Review Board decision in DRB File No. 17373 as requested by several unit owners of the Marlborough House Condominium.

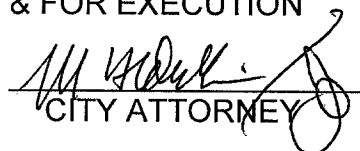
PASSED and ADOPTED this 26th day of May, 2004.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
CITY ATTORNEY

5-20-04  
DATE

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# W. TUCKER GIBBS

ATTORNEY AT LAW

215 GRAND AVENUE  
P.O. BOX 1050  
COCONUT GROVE, FLORIDA 33133

TELEPHONE (305) 448-8486  
FACSIMILE (305) 448-0773

April 25, 2004

VIA HAND DELIVERY

Bob Parcher, City Clerk  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach Florida 33139

**Re: Request for Appeal of Design Review Board Decision on  
Marlborough House Condominium; DRB File No. 17373**

Dear Mr. Parcher:

I represent Mercedes Rodriguez of Unit No. 401 and others who own units in the Marlborough House Condominium at 5775 Collins Avenue. After a request for rehearing by my client, the Design Review Board denied the request and confirmed its approval of the application of the Marlborough House Condominium Association for to replace concrete balcony railings with balconies with glass and aluminum frames on a portion of the building.

118-262 Let this letter serve as a an appeal pursuant to Section 118-537(b) of the Zoning Code of the City of Miami Beach of the confirmation of the Corrected Order of the Design Review Board filed with the Clerk of The Board on April 20, 2004.

The basis for this petition for rehearing is as follows:

1. Condition 1.c. of the Order states that "balcony enclosures may only be maintained, installed, or reinstalled if permitted by the Condominium Association (if required by Florida law) and City Code requirements, and may require Design Review Board approval."
2. Ms. Rodriguez (and other unit owners) erected a balcony enclosure (or enclosures) pursuant to valid City of Miami Beach building permits and have maintained the enclosures for over four years.
3. The Condominium Association has not disputed Ms. Rodriguez' (or other unit owners') right to erect and maintain the balcony enclosure(s) in any proceeding.

RECEIVED  
CITY CLERK'S OFFICE  
APR 26 3 41 PM '04

4. The balcony enclosure in Unit 401 and other balcony enclosures are not subject to the authority of the Condominium Association.
5. Condition 1.c. of the Design Review Board Order gives the Condominium Association authority to apply for and receive a building permit or permits to demolish, remove or alter the legally existing and privately owned balcony enclosures in order to implement the replacement of the concrete balcony railings as proposed by the Association.
6. The balcony of Unit 401, upon which the concrete railings sit and which is an integral part of a balcony enclosure owned by the owner of that unit. Other unit owners with balcony enclosures are in the same situation.
7. The Design Review Board, through its Order has created a "right" in the Condominium Association that it does not have, to demolish, remove or alter legally existing balcony enclosures.
8. The Order further gives the Association authority to demolish, remove or alter balcony enclosures that it otherwise would have to litigate in court to accomplish.

The Design Review Board did not consider the implications of state law provisions that limit the Association's ability to challenge any construction of balcony enclosures after a four-year statute of limitations has expired.

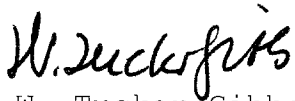
The Board overlooked or failed to consider that its Order did much more than approve a glass-and-aluminum railing system, it gave authority to the Association to ignore the law and receive a building permit or permits to compel the demolition, removal or alteration of balcony enclosures that were built with valid City of Miami Beach building permit(s) and that are insulated from the Association's demolition, removal or alteration by the passing of the statute of limitations.

For those reasons, Mercedes Rodriguez of Unit No. 401 and others who own units in the Marlborough House Condominium at 5775 Collins Avenue, appeal of the confirmed Corrected Order in the matter of Design Review Board File No. 17373.

April 25, 2004  
Bob Parcher, City Clerk  
Page 3

Furthermore, petitioner reserves her right to supplement this appeal letter with briefs or memoranda prior to Design Review Board consideration of this petition for rehearing.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Tucker Gibbs". The signature is stylized with a large, looped "W" and a cursive "Gibbs".

W. Tucker Gibbs

cc: Jorge Gomez, Planning Director  
Gary Held, First Assistant City Attorney

HERMINIO O. IRIZARRY, P.E.F. ASCE  
 OLGA I. IRIZARRY  
 11371 SW 144TH AVE. 305-383-1355  
 MIAMI, FL 33186-6645

MCR 269331  
 63-8413/2670  
 3883172682  
 2665  
 DATE May 3/04

PAY TO THE ORDER OF City of Miami Beach \$ 250.00  
Two hundred fifty DOLLARS

**Washington Mutual**  
 Washington Mutual Bank, FA  
 Miami/Hammocks Financial Center 1739  
 1525 SW 104th Street  
 Miami, FL 33196  
 1-800-788-7000  
 24 hour Customer Service

PLATINUM CUSTOMER

MEMO Appeal to City Comm. J. Irizarry

⑆267084131⑆ 3883172682 2665

**Miscellaneous Cash Receipt**  
**CITY OF MIAMI BEACH**

No 269331

☐ Cash ☐ Credit Card ☒ Check # 2665 \$ 250.00  
5-3 2004

Received of Hermilio O. Irizarry  
 Address 11371 SW 144th Ave 33186  
 For (Phone # (305) 383-1355 on behalf of Mercedes Rodriguez, Owner of Unit 401 at 5775 Collins Ave. M.B.)

(THIS INFORMATION MUST BE COMPLETED)

05/03/04 MCR'S 250.00  
 05:52 Office of Finance Director

Account Number 011.8000.354.005 By J.  
 Preparer: [Signature] Dept: CC EXT: 6143



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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution authorizing the Commission to approve and authorize the Mayor and the City Clerk to execute Amendment No. 3 to the Professional Services Agreement between the City of Miami Beach and Gambach Architects, Inc., as Assignee under the Agreement dated September 13, 1995, in the amount of \$41,900.00, to provide additional construction administration, construction management, bidding and other related professional services necessary to complete the improvements of the Marseille Drive Streetscape Project; and further to appropriate \$39,530.52 from the General Obligation Interest Earnings Fund No. 373, \$12,262.37 from the Storm Water Interest Earnings Fund No. 428, and \$8,885.73 from the Water and Sewer Interest Earnings Fund No. 424, for a total appropriation of \$60,678.62, to provide sufficient funding for the additional services.

**Issue:**

The Amendment will allow for the City to receive Architectural/Engineering Services to complete the Marseille Drive Streetscape Improvement Project, scheduled for completion on May 31, 2004. The Amendment comprises basic and additional services and extension of the construction administration term. Because of increases in the Scope of Work and extended time in this Project, the Administration recommends the execution of Amendment No. 3 to the Agreement in the amount of \$41,900.00 and the appropriation of \$60,678.62 from the available from the funding sources referenced in this Resolution. The appropriation of an additional \$18,778.62 over the recommended \$41,900.00 in the current additional services responds to a required adjustment to an incomplete appropriation made in Resolution 2000-23768. Amendment No.1 to the Agreement was intended to be in the amount of \$39,380. The Amendment was only funded in the amount \$18,400, which created a shortfall to the appropriation. In addition, a reallocation, in the amount of \$3,484, was approved with Amendment No.1, but was never encumbered. Subsequently an increase to the Standing Order, in the amount of \$2,202, was approved, to partially account for the reallocation amount. The amount of \$18,778.62 is the result of the difference in the appropriation presented with this Resolution.

**Item Summary/Recommendation:**

Due to increases in the Scope of Work and extended time in this Project, the Administration recommends the execution of Amendment No. 3 in the amount of \$41,900.00 and the appropriation of \$60,678.62.

**Advisory Board Recommendation:**

NA

**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1	\$39,530.52	G.O. Bond Fund No. 373	
	2	\$12,262.37	Storm Water Fund No. 428	
	3	\$8,885.73	Water and Sewer Fund No. 424	
	4			
	<b>Total</b>	<b>\$60,678.62</b>		

**City Clerk's Office Legislative Tracking:**

M. Alexandra Rolandelli

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

AGENDA ITEM C7C  
DATE 5-26-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

To: Mayor David Dermer and  
Members of the City Commission

Date: May 26, 2004.

From: Jorge M. Gonzalez  
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AMENDMENT NO. 3 TO THE AGREEMENT BETWEEN THE CITY AND GAMBACH ARCHITECTS, INC., AS ASSIGNEE UNDER THE AGREEMENT, DATED SEPTEMBER 13, 1995, BETWEEN THE CITY AND GAMBACH-SKLAR ARCHITECTS, INC.; SAID AMENDMENT, IN THE AMOUNT OF \$41,900.00, TO PROVIDE ADDITIONAL CONSTRUCTION ADMINISTRATION, CONSTRUCTION MANAGEMENT, BIDDING AND OTHER RELATED PROFESSIONAL SERVICES NECESSARY TO COMPLETE THE IMPROVEMENTS OF THE MARSEILLE DRIVE STREETScape PROJECT; AND FURTHER APPROPRIATING \$39,530.52, FROM THE GENERAL OBLIGATION BOND INTEREST EARNINGS FUND NO. 373, \$12,262.37 FROM THE STORMWATER INTEREST EARNINGS FUND NO. 428, AND \$8,885.73 FROM THE WATER AND SEWER INTEREST EARNINGS FUND NO. 424, FOR A TOTAL APPROPRIATION OF \$60,678.62, TO PROVIDE SUFFICIENT FUNDING FOR THE ADDITIONAL SERVICES.**

### ADMINISTRATION RECOMMENDATION:

Adopt the Resolution.

### Funding

Funds in the amount of \$60,678.62 are available from the following sources:

Above-ground costs	G.O. Bond Interest Earnings Fund 373	\$39,530.52
Storm Water costs	Stormwater Interest Earnings Fund 428	12,262.37
Water & Sewer costs	Water & Sewer Interest Earnings Fund 424	8,885.73
	<b>Total</b>	<b><u>\$60,678.62</u></b>

Funds will become available from CDBG in the future and will be used to reimburse the funds described above.

## **ANALYSIS:**

On September 13, 1995, the City entered into a Professional Services Agreement with Gambach-Sklar Architects, Inc., to perform Professional Architectural, Engineering, and Land Surveying Services for Various Capital Projects Where Basic Construction Does Not Exceed \$500,000 per Project for a Two (2) Year Period (the Agreement). Subsequent thereto, a Service Order, in the amount of \$50,000, was issued to Gambach-Sklar Architects, Inc. to develop drawings and specifications, and to provide construction documents for the Marseille Drive, between Bay Drive and Rue Notre Dame, Streetscape Project (the Project).

The scope of the Project was comprised of improvements to the following streets: Marseille Drive, from Bay Drive to Rue Notre Dame; Rue Versailles, from Marseille Drive to Normandy Drive; and Rue Notre Dame, from Marseille Drive to Normandy Drive, including the completion of the water main replacements and street lighting improvements.

On January 26, 2000, the Agreement was amended (Amendment No.1), in the amount of \$39,380, to provide additional services to revise the design of the Project to include landscaping at the North end of Rue Notre Dame, additional street trees and other design enhancements.

On September 28, 2001, Gambach-Sklar Architects, Inc., notified the City that, as of August 1, 2001, the firm had ceased operations. The City also learned of the creation of the two (2) independent firms of Gambach Architects, Inc. and Sklar Arkitekts, Inc., led by the former principals of Gambach-Sklar Architects, Inc. In light of the above, the Administration reviewed the terms of the Agreement with Gambach-Sklar Architects, Inc. and, on October 30, 2001, the Administration informed the former principals of Gambach-Sklar Architects, Inc. of the City's intent to recommend the assignment of the Agreement to Gambach Architects, Inc.

On January 9, 2002, the Mayor and City Commission adopted Resolution 2002-24701, approving the assignment and amendment of said Agreement (Amendment No.2), in the amount of \$10,990, to provide construction administration, construction management, bidding and other related professional services, necessary to complete the water line replacement and street lighting improvements portion of the Project. Gambach Architects, Inc. was to be the Assignee of the Agreement.

Construction of the Project was estimated from January 22, 2003, date of issuance of the Notice to Proceed, to July 14, 2003, date scheduled for Final Completion or a six month term. Due to changes in the Scope of Work, in part produced by conflicts in the field and Owner generated requests, the term of the Construction Phase has been extended to May 31, 2004, the estimated Final Completion Date. In addition, excluding the additional scope reflected in Amendment Nos. 1 and 2, the original Scope of Work had materially changed.



Because of increases in the Scope of Work and extended time in this Project, the Administration recommends the execution of Amendment No. 3 to the Agreement, in the amount of \$41,900.00, and the appropriation of \$60,678.62 from the available funding sources referenced in this Resolution. The appropriation of the additional \$18,778.62 over the recommended \$41,900.00 in the current additional services responds to a required adjustment to an incomplete appropriation made in Resolution 2000-23768. Amendment No.1 to the Agreement was intended to be in the amount of \$39,380 to a total Agreement of \$89,380. The Amendment was only funded in the amount \$18,400, which created a shortfall to the appropriation. In addition, a reallocation, in the amount of \$3,484, was approved with Amendment No.1, but was never encumbered. Subsequently, an increase to the Standing Order, in the amount of \$2,202 was made, to partially account for the reallocation amount. The amount of \$18,778.62 is the result of the difference in the appropriation presented with this Resolution.

The additional fees are as follows:

<b><u>CATEGORY</u></b>	<b><u>Amount</u></b>
1. Increase to the Basic Services	\$ 17,682.97
2. Additional Services	7,131.43
3. Extension of Construction Administration Time	<u>17,085.60</u>
<b>Total</b>	<b>\$ 41,900.00</b>

1. After the award of the Project's construction to Williams Paving, the Contractor, the Construction Cost of the Scope of Work reflected in the original Agreement, had been increased by \$464,162. The additional scope included items such as: extend the Project's boundaries to include the dead-end section of Rue Notre Dame to the north of Marseille Drive, developing this street-end with no parking and a landscaped green space adjacent to the water; add curbs and provide bulb-out planters at the intersection of Marseille and Bay Drives; add pedestrian crosswalks at Marseille and Versailles, mid-way between Rue Versailles and Rue Notre Dame; add trees and planters at the street intersections; narrow the driving lane and move the parallel parking lane to add a five foot wide grass planter and trees every 25 to 30 feet on Rue Notre Dame and on Rue Versailles, add one layer of pavement to the right-of-way for a total of two layers; and lower the existing drainage and water lines to comply with the minimum coverage requirements to protect their integrity. Pursuant to Article 13 – Basis of Compensation, Paragraph 13.5.2 of the Agreement, the amount of compensation needs to be equally adjusted based on percentage of construction cost, excluding the water main improvements and street lighting Scope already addressed in Amendment No. 2.

2. Pursuant to Article 2.9 – Additional Services, Paragraph 2.9.8 of the Agreement, the Assignee prepared documents for Change Orders to the Construction Cost. Only those Change Orders originated by either conflicts in the field or Owner generated requests are considered in this category. In addition, all time extensions to the construction schedule

approved within these Change Orders has been considered an extension of the Assignee's Term.

3. Extension to the Assignee's Agreement Term due to Change Orders not originated by the conditions described above represents 57 calendar days and has been calculated as a pro-rated amount of the Construction Phase compensation, pursuant to Article 7 – Payments to the Consultant, Paragraph 7.1.1 of the Agreement.

**CONCLUSION:**

The Administration recommends that the Mayor and City Commission approve the Resolution authorizing the City to execute Amendment No. 3 to the Agreement between the City and Gambach Architects, Inc., as Assignee, under Agreement dated September 13, 1995, between the City and Gambach-Sklar Architects, Inc.; said Agreement, in the amount of \$41,900.00, to provide construction administration, management, and bidding and other related professional services necessary to complete the improvements of the Marseille Drive Streetscape Project and appropriate \$39,530.52 from the General Obligation Interest Earnings Fund No. 373, \$12,262.37 from the Storm Water Interest Earnings Fund No. 428, and \$8,885.73 from the Water and Sewer Interest Earnings Fund No. 424, for a total appropriation of \$60,678.62, to provide sufficient funding for the additional services.

JMG/RCM/TH/JEC/ar

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## **RESOLUTION TO BE SUBMITTED**

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution appropriating \$120,000, from the 1995 Parks Bond Interest Fund, to provide sufficient funding to complete the construction scope of the North Shore Park and Youth Center Phases I, II, and III.

**Issue:**

Shall the City appropriate funds in the amount of \$120,000 to complete the construction scope of the Project.

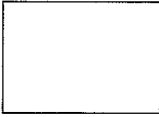
**Item Summary/Recommendation:**

On September 10, 2001, the City issued an Invitation to Bid for the construction of the North Shore Park and Youth Center. The Collage Companies (TCC) was declared to be the "lowest and best bidder", but their Total Base Bid Price well exceeded the budgeted amount allocated towards the construction scope. Following a series of Value Engineering sessions, the parties agreed to a construction price in the amount of \$6,176,296. To date, Change Orders in the amount of \$807,238, have been approved, almost completely exhausting the Project's Contingency. In order to close out the Project, there are some additional items that were required during the final inspection process, to allow the opening of the buildings. These items have not been negotiated with TCC yet, but have an estimated value of \$120,000. Appropriate funds in the amount of \$120,000 are available from the 1995 Parks Bond Interest Fund.

**Advisory Board Recommendation:**

NA

**Financial Information:**

Source of Funds:   Finance Dept.		Amount	Account	Approved
	1	\$120,000	1995 Parks Bond Interest Fund	
	2			
	3			
	4			
	Total	\$120,000		

**City Clerk's Office Legislative Tracking:**

M. Alexandra Rolandelli

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM C7D  
DATE 5-26-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROPRIATING \$120,000, FROM THE 1995 PARKS BOND INTEREST FUND, TO PROVIDE SUFFICIENT FUNDING TO COMPLETE THE CONSTRUCTION SCOPE OF THE NORTH SHORE PARK AND YOUTH CENTER PHASES I, II, AND III.**

### **ADMINISTRATION RECOMMENDATION:**

Adopt the Resolution.

### **Funding**

Funds in the amount of \$120,000 are available from the 1995 Parks Bond Interest Fund.

### **ANALYSIS:**

On September 10, 2001, the City issued an Invitation to Bid for the construction of the North Shore Park and Youth Center. The Collage Companies (TCC) was declared to be the "lowest and best bidder", but their Total Base Bid Price well exceeded the budgeted amount allocated towards the construction scope. As permitted in Section 2-367 of the City Code, on October 17, 2001, the Mayor and the City Commission adopted Resolution 2001-24652, approving and authorizing the City Manager or his designee to negotiate a contract with The Collage Companies.

Following a series of Value Engineering sessions, the parties agreed to a construction price in the amount of \$6,176,296 that reflected the available funding for the Project. To achieve this Contract Amount, a decision was made to reduce the Project's Contingency from 10% to 4.3% or \$330,073 and use the balance of the Contingency to fund the Contract amount. In addition, several items were value engineered from the scope, including the shuffleboard courts, 4 of the 12 tennis courts, 3 baseball field dugouts, welded metal lockers, interior wood doors, stucco finish for the exterior elevations, and wood flooring for the basketball court and dance room.

To allow an early occupancy by the public, the project was divided into three different phases as follows:

1. Phase I: Baseball/softball fields with alternates to construct a concession field house, tot lot and basketball court. While the alternates were not approved initially, the

concession field house and tot lot have subsequently been awarded additional funding and will be built separately.

2. Phase II: Tennis Center, tennis courts, shuffleboard courts, practice court, and maintenance building.
3. Phase III: A new 2-story Youth Center, Gymnasium, and Entry Plaza.

Additional funds were appropriated at a later date for the Project and some of the value engineered items were added back into the Project Scope.

To date, Change Orders in the amount of \$807,238, have been approved, almost completely exhausting the Project's Contingency. In order to close out the Project, there are some additional items that were required during the final inspection process, to allow the opening of the buildings. These items have not been negotiated with TCC yet. The following is a list of those pending expenses necessary for closing the Project, for which prices need to be negotiated with TCC:

Installation of 26 Additional Scuppers at Youth Center – Requested by Building
Additional Fire Sprinklers at Youth Center – Requested by Fire Department
Additional Hand Railing at Youth Center West Entrance– Requested by Building
Cane protection at Tennis Center Water Fountain – Requested by Building
Additional fire dampers at the Youth Center– Requested by Fire Department
Convert Room 136 from a storage room to an Elevator Room – Requested by Building
Doors and Fire extinguishers for Room 136 – Requested by Fire Department
Elevator Machine Room Additional Electrical costs – Requested by Fire Department
Glass Railings at Teen Room– Requested by Fire Department
Steps edge at Stage – Requested by Building
Access Panels for Men's Room Rm.114 – Requested by Building
Replace 7 light fixtures in Teen Room – Requested by Building
Replace 7 light fixtures in Janitor's Closet Rm. 123/223 – Requested by Building
Unforeseen Closeout Requirements
Additional Installation of an A/C Unit at the Public Bathrooms at Tennis Center

The above items are mostly related to normal issues that are raised by regulatory agencies during the final inspections of any construction project. These issues are difficult to identify during construction and often are clearly understood only when projects are close to completion where installations become more evident. Some items are additions to the scope of the project that the City has requested, but which were never part of the program or of the construction documents, such as the additional air conditioning for the Tennis Center Restrooms. Some items are omissions on the part of the consultant which will be addressed after closeout and before final payment to the consultant is made if it is determined that compensation to the City is in order in accordance to contract requirements and obligations. This evaluation will be made by CIP at the end of the

project.

The estimated value of these items is \$120,000.

**CONCLUSION:**

The Administration recommends that the Mayor and City Commission approve the Resolution to appropriate \$120,000 for these items to close out Phases I, II, and III of the Project.

JMG/RCM/TH/JEC/ar

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## **RESOLUTION TO BE SUBMITTED**

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach authorizing the City Manager to allocate \$176,238 from the Resort Tax in order to continue the enhanced levels of homeless services provided to the City of Miami Beach's homeless population by the Neighborhood Services Department, Office of Homeless Coordination.

**Issue:**

Shall the Mayor and City Commission of the City of Miami Beach allocate \$176,238 from the Resort Tax in order to continue the enhanced levels of homeless services.

**Item Summary/Recommendation:**

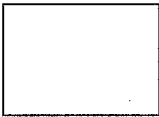
The Neighborhood Services Department, Office of Homeless Coordination provides prevention and homeless services to homeless individuals in Miami Beach. The department's goal is to transition Miami Beach homeless individuals from a life of homelessness, mental illness and addiction to one of self-sufficiency and/or supportive housing. At the March 15, 2004 Finance and City-wide Committee meeting, the Administration presented a report on the initial \$150,000 allocated by the Commission to enhance homeless services. Through the enhanced funding, the City was able to expand existing services such as shelter placements, outreach, case management and implement a new component, relocation services, which reunite families. The additional funding produced tangible results such as a reduction in the number of homeless individuals living in Miami Beach. The census resulted in a homeless count of 259 which reflects a decrease from 304 in December 2003 and 384 in April 2003.

From October 2003, to April 2003, the City has expended \$283,342 providing expanded homeless services. The projected amount to continue the current levels of services is \$269,840 bringing the total annual cost of program to \$553,182. Of the \$269,540 to complete the fiscal year, the City has \$93,602 in available funds, necessitating a supplemental appropriation of \$176,238.

**Advisory Board Recommendation:**

N/A

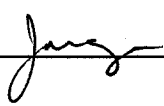
**Financial Information:**

Source of Funds:   Finance Dept.		Amount	Account	Approved
	1	\$176,238		
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Vivian P. Guzman, Director, Neighborhood Services Department

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM

C7E

DATE

5-26-04

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** May 26, 2004

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH AUTHORIZING THE CITY MANAGER TO ALLOCATE \$176,238 FROM THE RESORT TAX IN ORDER TO CONTINUE THE ENHANCED LEVELS OF HOMELESS SERVICES PROVIDED TO THE CITY OF MIAMI BEACH'S HOMELESS POPULATION BY THE NEIGHBORHOOD SERVICES DEPARTMENT, OFFICE OF HOMELESS COORDINATION.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

The Neighborhood Services Department, Office of Homeless Coordination provides prevention and homeless services to homeless individuals in Miami Beach. The department's goal is to transition Miami Beach homeless individuals from a life of homelessness, mental illness and addiction to one of self-sufficiency and/or supportive housing. The Office works closely with community-based organizations and the Miami-Dade County Homeless Trust in order to participate in the Continuum of Care. The current services provided by the Office are:

**Intake and assessment** – This enables staff to determine what services are needed and what placement is appropriate to the client.

**Outreach services** – The Office conducts outreach missions at least twice per week throughout the City to locate and assist homeless individuals who may not otherwise access services.

**Shelter placement** – In reference to the shelter beds and based on the Commission's recommendation for additional funding, the City will have a total of 46 beds, 41 shelter beds and 5 treatment beds. There are two new providers, Miami Rescue Mission and Better Way of Miami, Inc., that are or will be contracting with the City. Based on the number of individuals requesting shelter beds and individuals abandoning the program, the City believes that 46 beds will be sufficient to meet the current shelter needs of the homeless population. Additionally, it should be noted that the City still has access to Miami

Dade County Homeless Trust funded beds as well as other providers such as Camillus House. Therefore, unless there is a significant increase in our homeless population and/or significant increase in the number of homeless individuals requesting assistance, the City is recommending 46 beds. The average length of stay for clients at Salvation Army and Miami Rescue Mission has fluctuated between 9 days, since October 2003, to an average of 20 days for the month of March 2004. The longer the clients stay in the shelter beds, the greater the probability of completing the program. Any additional beds required in order to comply with case law would result in a "revolving door" with the homeless staying only one or two nights and returning to the streets of Miami Beach. This would not be beneficial to the program and would not be cost effective to the City.

**Referral services** – This service enables staff to connect homeless clients with community-based services such as job placement, legal and medical services, counseling and government entitlements.

**Relocation services** – Homeless clients are often stranded in our City after failed employment opportunities and/or family break-ups. The office provides one-way bus transportation to those clients who have someone at their destination who is willing to provide assistance. One of the most successful aspects of the homeless program is the relocation services offered to Miami Beach homeless. As of October 2003, a total of 185 homeless individuals have been served through the relocation services. Although we have reunited 185 homeless individuals with family, the constant influx of "new" homeless continues to make outreach a challenge and affect our homeless census.

**Storage services** – For those clients who have possessions and have accepted shelter placement, the office provides storage of their personal effects for the duration of their services.

**Homeless prevention services** – The Office provides emergency rent assistance to families and individuals at risk of homelessness due to eviction proceedings.

During the April 6, 2004, Finance and Citywide Projects Committee meeting, several of the committee members raised issues regarding the funding request and the services provided by the Office of Homeless Coordination including additional providers, shelter beds and a comparison between last year's homeless efforts and the efforts with increased funding.

Currently, the City's homeless program is modeled after the Continuum of Care which has been nationally recognized as a best practice and award winning program. At present, there are no new or additional services being developed nationally that the City can undertake to minimize the incidence of homelessness or reduce the number of homeless on the streets. The long-term strategy currently being developed nationally and by neighboring municipalities is permanent affordable and/or supportive housing. Due to economic factors, this strategy may not be viable for the City of Miami Beach. However, all other available homeless services and strategies are embraced in the City's homeless program.

The Committee members also requested a comparison of the contacts and placements during FY 02-03 and during the period of increased funding and level of services. The following table captures data for the same amount of time, six months, in 2003 and 2004. As the Commission reviews the information, please note the significant increase in both

placements and contacts. The significant increase is due to the City's ability to hire additional staff and increase services to the homeless.

	Placements	Contacts
Apr'03	32	179
May'03	43	144
Jun'03	41	133
Jul'03	19	75
Aug'03	36	240
Sept'03	78	197
<i>Totals</i>	249	968

	Placements	Contacts
Oct'03	55	304
Nov'03	36	413
Dec'03	75	414
Jan'04	58	421
Feb'04	27	294
Mar'04	57	304
<i>Totals</i>	308	2150
<b>Increase</b>	<b>23.69%↑</b>	<b>122.11%↑</b>

Through case management efforts, staff transitions an average of 4 people per month to transitional or permanent housing thereby further reducing the cycle of homelessness. This process includes obtaining legal identification and work documents as well as securing entitlements, intervention, health and legal assistance and job placement. As part of this effort, the City integrates community-based resources and providers as well as attempts to engage the family of those affected by homelessness.

The attached budget summary is updated from the one submitted to the Finance and Citywide Projects Committee. The summary illustrates all available funding resources and the current projection for funds to complete the year. Of the \$269,840 needed to sustain the current service level, a supplemented appropriation of \$176,238 is required.

### **Homeless Census**

The homeless census was conducted between April 15<sup>th</sup> and April 16<sup>th</sup>, 2004. In conjunction with the Miami-Dade County Homeless Trust, Miami Beach Police, Neighborhood Services Department staff and volunteers from provider agencies throughout the county, the City participated in the county-wide homeless census. The census, involving six field teams, resulted in a homeless count of 259 for the City. The final count of 259 reflects a decrease from 304 in December 2003 and 384 in April 2003.

### **Conclusion**

The Administration has made a concerted effort to address the issue of homelessness in a manner that is consistent with national and local policy initiatives as well as within the confines of case law. The issue of addressing the chronically homeless population, which constituted a large percentage of Miami Beach homeless, continues to make outreach and placement a challenge for the Administration. The chronically homeless are the most difficult population to serve. Although every effort is made to engage these individuals, it is an intensive process that requires multiple interactions. At this level, success is measured



by merely engaging someone in a conversation. Furthermore, due to the constant influx of homeless arriving in Miami Beach, it is highly improbable that the Administration will ever engage and serve every homeless individual in Miami Beach. As is evidenced by other cities, homelessness continues to be one of the most pressing social issues for a community. At this point in time, the City is managing its homeless population, not solving the homeless crisis. It would be an unrealistic expectation that additional funding will eradicate homelessness due to the constant influx of homeless as well as the rate of recidivism with the homeless population and other socio-economic issues. Until new national or regional initiatives are developed and implemented, the City's efforts at outreach, assessment and placement will help to maintain a better balance within our homeless population.

The additional funds will allow the City to continue providing enhanced levels of staffing, outreach, shelter placement, relocation and identification. The attached budget will provide a breakdown of the funds expended as well as the funding request needed to maintain current levels until the end of Fiscal Year 03-04. The Administration is not requesting funding beyond this level because it may not necessarily produce additional or better results. After the end of this new funding cycle, the Administration will prepare a report for the Commission with the outcomes achieved and again approach the Commission for additional funding.

It is recommended that the Mayor and Commissioners authorize the City Manager to allocate \$176,238 from the Resort Tax to continue the enhanced level of homeless services provided by the Office of Homeless Coordination.

Attachments

JMG/RCM/VP



Neighborhood Services Department  
Office of Community Services

**Service Cost Summary (as of April 30, 2004)**

Service/Item	Expense to Date (10/03 - 04/04)	Projected Expenses (05/04 - 09/04)	Annual Cost - FY 03/04	Unfunded Balance
Staffing <sup>1</sup>	105,800	82,063	187,863	12,063
Emergency Shelter <sup>2</sup>	150,011	128,487	278,498	104,885
Relocation Expense (bus) <sup>3</sup>	21,988	26,061	48,049	26,061
Food (Relocation Only) <sup>4</sup>	2,303	2,478	4,781	2,478
Vehicle Expenses	2,827	2,416	5,243	2,416
Vehicle Acquisitions <sup>6</sup>	0	27,474	27,474	27,474
IDs/Birth Certificates, etc. <sup>7</sup>	413	861	1,274	861
<b>TOTALS</b>	<b>283,342</b>	<b>269,840</b>	<b>553,182</b>	<b>176,238</b>

1. Staffing enables 2 Outreach Teams and includes overtime to fully accommodate relocations which tend to take place after 5pm.  
The staff is comprised of: 1 Program Coordinator, 1 Intake and Data Specialist and 4 Outreach Workers

The Office of Homeless Coordination currently has several funding sources including:

- ◆ City of Miami Beach General Fund - \$21,000 (total amount \$41,000)
  - ◆ City of Miami Beach Community Development Block Grant Funds - \$16,000 (total award \$70,000)
  - ◆ City of Miami Beach Emergency Shelter Grant Funds \$52,968 (total award \$61,968)
  - ◆ Miami-Dade County Homeless Trust - \$43,411 (total award \$71,193 14-month spread over FY02/03 and FY 03/04)
  - ◆ Special Allocation/Resort Tax Funds - \$150,000
- All of these sources are incorporated in the table above.

2. Provides for a total of 46 shelter beds (41 standard beds and 5 treatment beds) + some hotel stays.
3. Relocation expenses based on serving 42 people per month at an average cost of \$124.10 one way.
4. Provides for meals to cover the time of travel for those clients being relocated at an average cost of \$11.80 per client.
5. Vehicle expense reflects fuel and maintenance.
6. Reflects the acquisition of one additional vehicle and the replacement of one vehicle that is no longer in service.
7. Reflects an average document cost of \$17.21 per client based on 10 clients per month.

City of Miami Beach  
**Neighborhood Services Department**  
Office of Homeless Coordination

**Homeless Services:**  
**A Progress Report on Homeless Outreach Efforts**  
October 2003 – January 2004

Prepared for the Finance Committee, February 2004

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## ***I. Office of Homeless Coordination Overview***

### ***Services Provided***

The Office of Homeless Coordination provides prevention and intervention services to homeless individuals in the City of Miami Beach. Homelessness is defined by the United States Department of Housing and Urban Development as a person meeting one of the following criteria:

- ◆ Living in a place not meant for human habitation, i.e. street, car, parks, abandoned building, bus station, etc.
- ◆ Living in an emergency shelter
- ◆ Living in transitional or supportive housing (for people coming from the streets or shelter)
- ◆ Living in either a place not meant for human habitation, an emergency shelter, or transitional or supportive housing, but currently in a hospital or institution on a short-term (30 days or less)
- ◆ Being evicted within a week from a private dwelling (and have a certified, legally-binding eviction notice) **and** have no subsequent residence identified **and** no resources and support networks to obtain housing.
- ◆ Being discharged within a week from an institution (prison, hospital, foster care, etc.) having stayed long-term (31 or more days) and housing is not being provided as part of the person's discharge planning **and** have no subsequent residence identified **and** no resources and support networks to obtain housing.
- ◆ Victim of domestic abuse **and** no subsequent residence has been defined **and** no resources and support networks to obtain housing.

Our goal is to end homelessness in our City through collaboration with community-based providers and utilizing the Continuum of Care framework as a means to access services and permanent housing for homeless individuals.

The Office provides the following service to homeless individuals:

- ◆ ***Intake and assessment*** – This enables staff to determine what services are needed and what placement is appropriate to the client.
- ◆ ***Outreach services*** – The Office conducts outreach missions at least twice per week throughout the City to locate and assist homeless individuals who may not otherwise access services.
- ◆ ***Shelter placement*** – The City currently contracts with The Salvation Army and Miami Rescue Mission for shelter beds. The City is currently negotiating to acquire addiction treatment beds from Better Way of Miami, Inc. In addition, when the client is eligible and space is available, the Office facilitates placements at the Miami-Dade County Homeless Assistance Centers (Miami and Homestead), Camillus House and Beckham Hall. When eligible, clients are referred for transitional housing through providers such as Carrfour Supportive Housing.
- ◆ ***Referral services*** – This service enables staff to connect homeless clients with community-based services such as job placement, legal and medical services, counseling and entitlements (such as food stamps, Medicaid, disability payments, etc.).
- ◆ ***Identification services*** – Homeless clients often lack identification which enables them to access services. The Office assists in obtaining birth certificates, Social Security cards, immigration documents, work permits and Florida identification cards.



◆ **Relocation services** – Homeless clients are often stranded in our City after failed employment opportunities, family break-ups or unexpected lay-offs. Our Office provides one-way bus transportation to those clients who have someone at their destination who is willing to provide assistance. In order to ensure that clients can sustain these trips, the Office provides meals for the duration of their travel.

◆ **Storage services** – For those clients who have possessions and have accepted shelter placement, the Office provides storage of their personal effects for the duration of their services.

◆ **Homeless prevention services** – The Office provides emergency rent assistance to families and individuals at risk of homelessness due to eviction proceedings. Through emergency shelter grant funds, the Office has provided rent and deposit assistance as well as relocation assistance. Through this initiative, individuals and families are served prior to becoming homeless.

## ***Funding Sources***

The Office of Homeless Coordination currently has several funding sources including:

- ◆ City of Miami Beach General Fund - \$58,725
- ◆ Community Development Block Grant Funds - \$100,568
- ◆ Miami-Dade County Homeless Trust - \$71,193
- ◆ Special Allocation/Resort Tax Funds - \$150,000

**City of Miami Beach General Fund** – The funds allocated provide for one full-time position (Program Coordinator) and general office expenses such as telephone and office supplies.

**Community Development Block Grant Funds** – These funds are divided into two functions:

- 1) Emergency/Transitional Housing – (\$71,968) – These funds help pay for shelter services.
- 2) Emergency Rent Assistance – (\$28,600) – These funds provide emergency rent assistance to those facing eviction or transitioning from homelessness to permanent housing.

**Miami-Dade County Homeless Trust** – These grant funds, scheduled to end June 2004, provide funding for two contracted outreach workers and partial funding for an intake specialist.

**Special Allocation/ Resort Tax Funds** – These funds have been used to provide:

- 1) Augmented staffing (2 additional outreach/intake workers)
- 2) Additional shelter beds (19 in September 2003 to 41 in October 2003)
- 3) Relocation services (via Greyhound Bus Lines)
- 4) Food (for clients being relocated)
- 5) Storage services (for clients accepting shelter services)
- 6) Transportation tokens (enabling clients to seek work or attend medical/legal/entitlement appointments)
- 7) Identification services (Florida identification and copies of birth certificates and immigration documents)

## ***Reporting Requirements***

The Office of Homeless Coordination provides monthly financial and service reports to the Miami-Dade County Homeless Trust and the City of Miami Beach Office of Housing and Economic Development as a condition of receiving grant funds.

## ***II. Service Report Overview***

### ***Number of clients contacted***

The Office of Homeless Coordination tracks the number of people it serves through client contacts. Client contacts are those exchanges between staff and clients in which either the offer of services or actual services are being provided. The following chart documents client contacts since May 2003.

<b>Month</b>	<b># of Contacts</b>
May 2003	209
June 2003	397
July 2003	283
August 2003	240
September 2003	105 * (50% staffing)
October 2003	304
November 2003	413
December 2003	414
January 2004	421

The self-reported reasons for homelessness include: loss of employment, unexpected illness, family problems and addiction.

### ***Shelter services***

The Office of Homeless Coordination provides emergency shelter for homeless clients accepting services as well as those referred by Miami Beach Police. Shelter placements are the first step in enabling the process of client stabilization. During this time, clients are assessed and the process of establishing a service plan towards permanent housing commences through joint effort between the client, Office and shelter. Typically, this process will include:

- \* Ensuring clients have appropriate identification and work documents
- \* Applying for appropriate entitlements (disability, Medicaid, etc.)
- \* Medical screening (including tuberculosis test)
- \* Search and obtainment of employment
- \* Access to support services (counseling, Alcoholics Anonymous, etc.)

The following chart documents shelter placements since May 2003. It is important to note that additional funds enabling the acquisition of additional shelter beds were made available in September 2003 and were sustained throughout the remainder of the calendar year with the infusion of Resort Tax dollars.

<b>Month</b>	<b># of Placements</b>
May 2003	43
June 2003	50
July 2003	23
August 2003	36
September 2003	79
October 2003	55*
November 2003	36*
December 2003	70*
January 2004	58*

\* Represents non-duplicated placements of individuals in shelter. In the past, clients may have been placed more than once within a month if they voluntarily left shelter. Clients are now only placed once and provided with support services to ensure success. Clients voluntarily withdrawing from shelter terminate their rights to additional City services.

With enhanced reporting procedures and additional staff, the Office has been able to track placements by gender since October 2003. A review of these statistics identifies the typical homeless person accessing shelter services in our City as male. In general, 31 percent of all shelter placements stay at least seven days. The vast majority of placements remain in shelter for less than seven days either because of voluntary withdrawal or failure to comply to shelter rules.

Month	Male Shelter Placements	Female Shelter Placements
October 2003	39 (71%)	16 (29%)
November 2003	23 (64%)	13 (36%)
December 2003	55 (79%)	15 (21%)
January 2004	48 (82%)	10 (18%)

It is important to note that all placements documented since October 2003 are not duplicated. Since the establishment of case management procedures and adherence to service rules by the United States Department of Housing & Urban Development, no client has withdrawn from shelter and subsequently requested a repeat placement.

The Miami-Dade County Homeless Trust considers shelter placements of seven or more days to be a standard in measuring success. While the City is home to many chronically homeless individuals, the Office has significantly increased the number of shelter placements greater than seven days and thereby eliminating the revolving door to shelter for many homeless. Since April 2003, 31.03 percent of all placements have been for seven or more days. The following depicts new placements (those newly placed within the reporting month) that stayed in shelter seven or more days:

Month	# of Placements > 7 days
October 2003	26
November 2003	12
December 2003	16
January 2004	18

## ***Permanent Housing***

The ultimate measure of ending homelessness is ensuring that previously homeless clients access and maintain permanent housing. Through concerted case management efforts that support and guide a client through the *Continuum of Care*, the Office has successfully placed 14 people in permanent housing since October 2003. The following is a breakdown of successful permanent housing placements that represent the end of homelessness for these clients.

Month	# of Placements
October 2003	2
November 2003	4
December 2003	3
January 2004	5

It is important to note that many of those placed in permanent housing since October 2003 are the most difficult to serve: homeless persons with mental health issues.

## ***Relocation Services***

The Office of Homeless Assistance has provided relocation services to homeless clients since October 16, 2003. In order to receive relocation assistance, clients must provide a contact at their destination that vouches for the client. This contact is then verified via telephone prior to purchasing a Greyhound Bus Line ticket. Once the bus ticket has been purchased, the client is provided with sufficient meals to cover the duration of his/her travel and then transported to the bus depot by Office staff. The following summary of relocations provided by month and gender demonstrates that males represent a disproportionate share of relocations provided.

Month	Male Relocations	Female Relocations
October 2003	26 (84%)	5 (16%)
November 2003	33 (59%)	23 (41%)
December 2003	35 (88%)	5 (12%)
January 2004	24 (88%)	3 (12%)

## ***Meal Services***

Meals are provided to those clients being relocated out of town. Each relocated client receives sufficient meals to cover the duration of his/her travel. Since October 16, 2003 when relocation services began, 154 clients were provided with 766 meals. An average of 4.9 meals were provided to each client served through relocation services.

## ***Transportation Services***

In order to seek employment or apply for entitlements or seek assistance from community-based providers, homeless clients are often provided with Miami-Dade County Transit Authority tokens that enable them to access public transportation. The Office has distributed 499 tokens to 104 clients since October 16, 2003.

## ***Support Services***

Homeless clients have unique needs that create a barrier to accessing services to end homelessness. The first of these is the absence of natural support networks. The second is the marginalization within society that is derived from isolation, lack of identification, and deprivation of human needs.

Homeless clients have a variety of basic needs: shelter, food, clothing, access to medical and mental health care, and employment among others. Through an integrated referral network, the Office of Homeless Coordination refers homeless clients to community-based providers to access needed services. Among the network of providers are: Miami Beach Community Health Center, Jewish Community Services, Legal Services of Greater Miami, Ayuda, Miami Beach Hispanic Community Center, Social Security Administration, Miami Beach Community Development Corporation and the Florida Department of Children and Families.

The following is a summary of formal referrals made on behalf of homeless clients since October 2003:

Month	# of Referrals
October 2003	37
November 2003	42
December 2003	38
January 2004	19

In addition to agency referrals, the Office of Homeless Coordination provides case management services to all clients accepting shelter placement. With this effort, clients are guided through the *Continuum of Care* to ensure that they stabilize, receive medical, legal and mental health assessments, seek employment and/or entitlements, and have a personal strategy to end their homelessness and gain permanent housing.

The following chart depicts the case management loads for the Office of Homeless Coordination:

Month	Client Caseload
October 2003	62
November 2003	75
December 2003	112
January 2004	88

### ***III. Staffing Report***

#### ***Staff Levels***

The Office of Homeless Coordination has one full-time City employee and contracts additional staff. The Office of Homeless Coordination is manned by the following:

# - Position Title	Primary Function	Funding Source
1 - Program Coordinator	Day-to-day program management	General Fund
1 - Intake Specialist	Maintains client data and generates reports to Miami-Dade County Trust	Miami-Dade County Homeless Trust/Resort Tax
2 - Outreach Workers	Outreach and intake of homeless clients	Miami-Dade County Homeless Trust
2 - Outreach Workers	Outreach and intake of homeless clients	Resort Tax

Since the flow of those seeking services often peaks unexpectedly, staff from other divisions has been diverted when necessary to ensure that all clients seeking assistance are processed in a timely manner. The following staff provides assistance to the Office of Homeless Coordination when demand requires it:

# - Position Title	Primary Function	Funding Source
1 - Intake Specialist (100%)	Intake of homeless clients	Office of Children's Affairs/ General Fund
1 - Outreach Worker (20%)	Outreach and intake of homeless clients	Office of Children's Affairs/ General Fund

In addition to paid staff, the Office has entered into a partnership with various secondary education institutions to have non-paid interns. While those placements from Miami-Dade Community College and Florida International University have negligible long-term impact because of the short duration of their stay (typically eight hours), the interns from Barry University's School of Social Work provide a consistent and significant presence.



# - Position Title	Primary Function	Weekly Hours Provided
3 – Social Work Interns	Intake and case management of homeless clients	20 hours each

The purchasing, contract management and payroll functions for the Office of Homeless Coordination are provided by the Office of Children's Affairs.

### ***Staffing Requirements***

The provision of services to homeless clients is time-consuming. In addition to the time spent on outreach, homeless clients face a set of challenges that can range from lack of identification and unemployment to mental health issues and addiction. As such, they tend to require more staff time than clients served through other divisions. In many cases, services are contingent upon the availability of the services provider (i.e., Department of Motor Vehicles, Social Security Administration, etc.).

The following chart documents the average length of time spent on each service provided by client:

Service Provided/Frequency	# of Staff Needed	Average Length of Time
Intake & assessment/ Once	1	1.5 hours
Relocation assistance/ Once	2	2.25 hours
Shelter placement/ Once	2	2.0 hours
Identification services (w/appointment @ DMV)/ Once	2	2.0 hours
Entitlements application (w/ appointment)/ Once	2	2.0 hours
Case management/ Weekly	1	0.50 hours

## ***IV. Financial Report***

### ***Shelter Costs***

The City contracts with two providers for emergency shelter services: The Salvation Army and Miami Rescue Mission. Clients placed with these providers must sign a form acknowledging the rules and conditions for their shelter. Emergency shelter placements typically range in duration from one night to up to six months, depending on the client's stability and availability of transitional housing. Shelters typically provide clothing, three meals a day and needed toiletries. Case management is a separate service which typically doubles the daily bed cost. We currently do not contract for case management services for our shelter beds.

Currently, the City pays a guaranteed rate of \$15.00 per bed, per night at the Miami Rescue Mission. These are beds exclusively for homeless males. The Miami Rescue Mission accepts placements from 7am until 5pm. Our current capacity is 10 beds. Typically, we utilize these beds for Police Department referrals and males beginning services with the Office. The monthly cost for the Miami Rescue Mission is \$4,500.

The City contracts with The Salvation Army at a guaranteed rate of \$15.45 per bed, per night. These beds can be managed for males, females and families. The Salvation Army accepts placements 24 hours per day. Our current capacity (when the ratios are maximized) is 31 beds. Typically, we utilize The Salvation Army for female and family placements as well as those males that have been stabilized and are progressing who

had been originally placed at the Miami Rescue Mission. Our monthly cost for The Salvation Army is \$14,369.

**The total monthly cost for 41 beds is \$18,869.**

### ***Relocation Costs***

Since October 16, 2003, we have provided 154 homeless clients with relocation services. Thus far, the Office has documented only five relocation returnees (less than 3.2 percent). The following is a summary of the top six cities to where clients have been relocated representing 27 percent of all relocations.

City	# of Relocations
Atlanta, GA	9
Philadelphia, PA	8
New York City, NY	7
Washington, DC	6
Orlando, FL	6
Los Angeles, CA	6

The following is a summary of the top five states to where clients have been relocated representing 44 percent of all relocations.

State	# of Relocations
Florida	23
California	13
New York	13
Pennsylvania	10
Georgia	9

Our City's warm client, plentiful tourist supply and abundant restaurants and hotels make it a desirable place for the homeless. Conditions in our City make it easier for homeless individuals to survive because of our geographical location (the warm South) and community assets (tourists that can be panhandles, garbage dumpsters with plentiful food, and sandy beaches to sleep).

The City's cost since October 16, 2003 to provide relocation services has been \$16,065.50 or an average of \$104.32 per client.

In addition to providing the bus ticket for relocation, the Office provides clients with sufficient meals to cover the duration of their travel. Since October 16, 2003, the Office has provided 766 meals to 154 clients at a cost of \$1,333.44 or \$8.65 per client.

### ***Storage Costs***

The cost of maintaining a storage space for the possessions of homeless clients placed in shelter is \$118.35 per month.

## ***Transportation Costs***

Through thorough intake and case management processes, the Office has actively sought to reduce the costs associated with transportation tokens by encouraging clients to apply for county assistance. From October through December 2003, the Office has distributed 422 tokens to 90 clients. Here is a breakdown of this distribution:

Month	# of Clients Provided Tokens	# of Tokens Distributed
October 2003	33	152
November 2003	44	232
December 2003	13*	40*
January 2004	14	75

*\* Token supplies were depleted and could not be filled in a timely manner.*

**While tokens typically cost \$1.00 each, we have not expended any funds for tokens since October 2003.** However, we do anticipate the likelihood of purchasing monthly bus passes for employed clients seeking transition to permanent housing.

## ***Identification and Support Service Costs***

Many homeless clients lack identification and necessary legal documents to access shelter, employment or entitlements. Emergency shelters will not accept anyone for placement without valid photo identification. Furthermore, without appropriate documentation and support documents, homeless individuals cannot apply for entitlements or other community-based assistance.

**Since October 16, 2003, the Office has assisted 24 homeless clients in obtaining birth certificates, photo identification, work permits and travel documents (passports/visas) at a cost of \$441.99.**

## ***Staffing Costs***

The Office has expended \$25,003.26 to hire additional contracted staff to assist with the increase in demand for relocation assistance and shelter placement. As a result, the City has established two, full-time outreach teams to enable the simultaneous services of outreach, shelter placement and relocation while maintaining full office hours for walk-in clients seeking assistance. The increase of more than 2,480 man-hours enabled the office to process more clients more quickly and deterred the refusal of services.

## ***V. Progress Evaluation***

### ***Process & Accountability***

Since September 2003, the Office of Homeless Coordination has streamlined the intake and placement procedures while establishing methods of accountability throughout all aspects of its operations. Complete client histories are now maintained which include:

- \* Completed intake forms
- \* Copies of identification
- \* Services history

- \* Longitudinal case notes
- \* Service plan

In anticipation of the eventual implementation of the Miami-Dade County Homeless Trust's *Homeless Management Information System*, the Office has established a database documenting all contacts, shelter placements, relocations and services provided.

The Homeless Census of April 2003 identified 384 homeless persons in our City. The Homeless Census of December 2003 (conducted immediately after the FTAA) showed a significant decline to only 304 homeless persons. (It is important to note that at least five homeless persons were counted twice but the census pages had been certified when the error was noted). Therefore, since the implementation of the additional outreach and service efforts, the City has experienced a 21 percent reduction in its homeless population. It is important to note that this reduction is being experienced during the winter – the peak time for homelessness in our City.

### ***Customer Service***

Ensuring that all clients receive services in an effective, accountable and professional manner, the Office has focused efforts on improving service delivery from the clients' viewpoints. We have established fixed office hours, established dates and times for specific services and improved our response time to calls received via the Homeless Hotline.

We now distribute *Client Satisfaction Surveys* to all clients served in order to gauge our effectiveness and customer service. The Office forwards these surveys to the Miami-Dade County Homeless Trust as a means of reporting service quality among outreach service providers. Our customer service ratings have consistently exceeded 60.0 (on a 66.0 scale) since June 2003.

### ***Staffing***

While the General Fund supports one full-time position, the Office of Homeless Coordination has had a staffing level of three workers since October 2002 funded by grants. Its grant with the Miami-Dade County Homeless Trust requires a minimum staffing level of four people (including the City-funded position).

In October 2003, with the infusion of additional funds allocated through the Resort Tax, additional staff members were contracted to adequately process the influx of homeless persons seeking relocation assistance and shelter services. At one point in November 2003, the Office had six contracted staffers to meet the burgeoning requests for services in addition to 1.5 staffers on loan from the Office of Children's Affairs.

Because of the inherent turnover rate in the field and the contracted nature of our staff, we have had some difficulty in sustaining consistent staffing levels. As of January 1, 2004, the Office has service agreements with five contractors to provide outreach and intake services. The contractors' rates vary from \$9.81 to \$15.00 per hour depending on the scope of services provided.

**It is necessary that a total staff of five people be retained to maintain existing service levels at a cost of \$66,560 for the remainder of the fiscal year.**

## ***Shelter Services***

There are several issues associated with the provision of shelter services. Among these:

- \* Having beds available for those voluntarily seeking shelter (males, females and families)
- \* Having beds available for those who would otherwise be arrested for life-sustaining activities
- \* Managing available beds to minimize the number of unused, vacant beds while considering the need for police-referred beds

The Office has sought to maximize its bed inventory by actively using case management to effectively and efficiently move people through the *Continuum of Care* to appropriate transitional or permanent housing. The Office has used the beds at Miami Rescue Mission to serve males accessing services for the first time as well as maintain bed vacancies enabling the Police Department to make bona fide offers of shelter in exchange for not arresting those guilty of life-sustaining offenses, i.e. sleeping in parks, impeding the public right-of-way, etc. The beds at The Salvation Army have been used to house females and families and those male clients who have shown progress while at the Miami Rescue Mission.

Based on service levels and clearance rates for the past three months, it is recommended that the City maintain existing bed levels (41) and to add five (5) addiction treatment beds. The addition of treatment beds will enable the Office to address the needs of those homeless persons whose addictions pose an obstacle to ending homelessness. Better Way of Miami, Inc. is available to provide treatment beds at a cost of \$40 per day, per bed. Unlike traditional emergency shelter beds, three of these treatment beds do not have to be guaranteed meaning that the City would pay only when the bed is filled.

**The amount necessary for the provision of 46 emergency shelter beds for the remainder of the fiscal year is \$200,552 or \$25,069 per month.**

## ***Relocation Services***

Within the first three month of initiating this service, the Office relocated 154 homeless people at an average cost of \$104.32. The subsequent demand for this service should subside somewhat because of the high volume of people originally relocated. Once a person receives relocation assistance, he/she is no longer eligible to receive this service in the future.

We have encountered a unique problem as a result of this service: homeless individuals from other municipalities have attempted to access the City's relocation services. In response to this additional concern, the Office further scrutinizes clients seeking relocation services to ascertain that only Miami Beach homeless persons are provided with this service.

**In light of past usage and the subsequent anticipated reduction in demand for this service, it is necessary to allocate \$41,464 for this service enabling the Office to serve an average of 42 homeless persons per month for the next nine months or a total of \$52,577.28 per year.**

**Additionally, it necessary to fund \$4,360 for food to enable the provision of meals to those being relocated.**



## ***Additional Infrastructure Costs***

The transportation of clients from outreach sites to the office, shelters and other service points is a key logistical issue for the Office of Homeless Coordination. The existing sedan, which was a surplus vehicle at the time of acquisition last year, has had significant down time because of repeated breakdowns. While we have redirected an old fleet vehicle from the Log Cabin Training Center, the Office needs at least two reliable vehicles in order to maintain service functions and the efficacy of processing clients.

**As such, it is necessary to purchase a new vehicle/sedan at a cost of \$13,083.** The cost for vehicle operation will be extended to the Miami-Dade County Homeless Trust grant.

Many of homeless clients lack personal identification which prohibits them from access to shelter and support services. As such, since this is a threshold barrier to ending homelessness, the Office is seeking funds to enable the provision of identification, birth certificates and employment documents. **An additional \$2,160 is necessary for the identification and replacement document costs and will enable us to serve an average of 10 clients per month.**

### **Expense Summary**

<b>Item/Service</b>	<b>Expense to Date (10/03 – 01/04)</b>	<b>Remaining Projected Expenses to maintain 1<sup>st</sup> Quarter Services Levels* (02/04 – 09/30)</b>	<b>Annual Cost</b>	<b>Unfunded Balance</b>
Staffing 1	\$40,445	\$66,560	\$107,005	\$66,560
Shelter 2	\$75,476	\$200,552	\$276,028	\$128,584**
Relocation Services 3	\$16,065	\$41,464	\$57,529	\$41,464
Food for Relocations 4	\$1,333	\$4,360	\$5,693	\$4,360
Vehicle 5	-	\$13,083	\$13,083	\$13,083
Identification/Documents 6	\$442	\$2,160	\$2,602	\$2,160
<b>TOTALS</b>	<b>\$133,761</b>	<b>\$328,179</b>	<b>\$461,940</b>	<b>\$256,211</b>

*\* These are projected amounts to maintain existing service levels from 02/02 through 09/04.*

*\*\* The unfunded balance reflects \$71,968 in CDBG funds which are budgeted but yet to be expended.*

**1 – This represents a total staff of five people (including Program Coordinator).**

**2 - The amount represents 41 emergency shelter beds and 5 treatment beds for a total of 46 beds.**

**3 – Projecting to serve an average of 42 homeless persons per month.**

**4 - The meals are provided solely to those clients receiving relocation services.**

**5 – This is the projected cost for a sedan to replace the existing vehicle that is experiencing multiple down days each month.**

**6 – These funds will enable the Office to serve an average of 10 clients per month with Florida identification cards, birth certificates and work permits.**

## **RESOLUTION TO BE SUBMITTED**